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SPEAHRhead

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Two Prisoners' Reports

China: Liu Qing (8)

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Prison Notes

By LI AO

Translation and Introduction by Lynn Miles

In August 1981, the controversial historian and social critic Li Ao, then 46, entered prison for the second time in his life. On this occasion he was nominally being punished for misappropriation of property,* but as he explains it, in fact he was once again a political prisoner.

Philosopher, stormy polemicist, boisterous satirist, dauntless human rights fighter, "cultural hero," and (when deprived of his normal means of livelihood) erstwhile trader in used American military household appliances--Li Ao has long been both a celebrity and a thorn in the side of established authority. In the mid-1960s he had become editor of Wen Hsing magazine, transforming it from an obscure journal into one of Taiwan's best-read monthlies. The pages of Wen Hsing were filled with social criticism, often including jabs at bureaucrats. (Li ridiculed Kuomintang culture czar Milton Shieh as a gutless, mindless papershuffler.) It all became too much for the Party to take, and eventually he was sent to prison for six years.

In Taiwan, multiple prison sentences are the reward for obstreperousness. Thus, last year, to a flurry of press flashbulbs, Manchuria-born Li Ao signed in at the Taipei District Court to begin his new term. Characteristically, he was all good spirits and jocularly. After all, this time it would only be for six months, and the Taipei Detention Center couldn't possibly have anything to compare to the dread dungeons of the Garrison Command.

Or so it may have seemed at the time to Li, who was a veteran of many hard-fought political battles. But what he saw and heard at the detention center caused an abrupt change in mood. When he was released in February he immediately put everything to paper, in a 25,000-word report on life--and death--in the Taipei Detention Center. Li Ao was back in the news again.

The government was at a loss as to how to deal with so many skeletons spilling out of the penal-system closet. The Justice Department accorded Li's exposé the honor of an official rebuttal. (According to Director of Prisons Chu Kuang-chun, Li's charges were nothing more than "the imaginings of a creative writer.") But his accounts had such a convincing ring that it was found necessary to ban the magazine that first published them. Since then, "Prison Notes" has been republished in Chinese-language newspapers around the world, and has been the talk of Taiwanese communities from Tokyo to Toronto.

After Li Ao was released from jail, an unrelated incident occurred which confirms Li's charge regarding the use of torture by Taiwan's security personnel. In May, a 53-year-old taxi driver named Wang Ying-hsien was arrested and charged with "bank robbery." His daughter, who accompanied Wang to the "reception center" where Wang was interrogated, says that she could hear Wang in the next room being tortured. She heard running water, and the sound of her father vomiting and moaning with pain. She never actually saw her father alive again. His body was later found in the Hsintien River. (The government no longer claims that Wang had committed any crime, and another man has been charged with the robbery in question.)

The excerpts below comprise the first third of Li Ao's account (translated from "Thousand Autums," no. 7).† Because he was writing for a Taiwan audience, footnotes have been supplied to make some references clearer to the foreign reader. See back cover.

*The charge was a complicated one, stemming from Li's handling of property which had been entrusted to him by a friend.

†Yilang Wang was of inestimable help in rendering

many of the more difficult Chinese passages understandable to me, and Emma Oakes spent hours poring over draft after draft of the translation. Jim Seymour and Terry Gallagher readied the final version for publication. My thanks to them all. --LM

自北齊守所夢迴圖

考教

The 3,300 prisoners generally confined at the detention center are not spread evenly among the cell blocks. To cut down on operational expenses, the authorities prefer to leave some of the cells vacant. Therefore, the crowding is much more severe than simple numbers might suggest. The Hsin-3, Yi-3, Ho-2 and Ho-3 Units, for example, were all left empty until the addition of the No. 13 Shop, at which time the Hsin-3 and Yi-3 Units were opened. This means that cells originally designed to confine 6 people are now holding twice that number. In terms of the comforts of life, daily routine, water and air, this overcrowding brings added suffering to the suffering the prisoners already have to bear, especially in the summer when the brutal tropical heat is absolutely intolerable. The prisoners on the third floor, where the roof is flat and there is concrete both overhead and underfoot with nothing else between, are as hot as steamed dumplings.

The Taipei Detention Center is Taiwan's largest detention center—it hosts over half of all the prisoners presently detained in Taiwan. (2) Not only must it hold the lion's share; also, because the Taipei Prison in Kueishan, Taoyüan County, is packed to the bursting point, the Justice Department ordered that a branch of that prison be set up at Taipei Detention Center, to house 500 persons serving sentences of one year or less, so that they can do "alternative sentences." Since the detention center is in Tucheng, it is much more convenient for visitors than Taipei Prison, which is way off in Kueishan. Also it is much less crowded, so prisoners with these short sentences all wish to stay in the detention center. But there are too many, far exceeding the designated capacity of 500, so the question of who stays and who goes is highly edifying. If one wishes to stay, the going price is NT\$20,000 [approximately US\$525]. Of this sum, the guards' take is one half, with the other half going to the "middleman." Let's take the example of Section Officer Tu Chi. As chief of Personal Records, he goes on his own to the families of prisoners serving a year or less, in search of business. He's only asking 15,000, which by comparison is a "fair price." Of course those with connections can get by without laying out the money. Ts'ai Kuo-yang (the son of the late Ts'ai Huo-pao, speaker of the Keelung City Council), is a good example. He was sentenced to two and a half years for his part in a container shipment smuggling case, yet he was able to do "alternative time" at the detention center, the reason being that Ts'ai Huo-pao went through Meng Chao-hsi, formerly head of the Keelung City Police Department and currently head of the Taipei County Police Department. Meng looked up the warden of the detention center, Chu Kuang-chün, and so it went after that: Thanks to Ts'ai Kuo-yang's special connections, the detention center granted his request. But the detention center has its share of reclining tigers and reclusive dragons—all those people with their special "qualifications"—there are so many of them! Isn't this strange?

Li Ao's sketch of the Taipei Detention Center.
See accompanying text for details. We have supplied a \$ to indicate "Chungshan North Road."
(From Thousand Autumns, no. 7.)

discount" through a decision that allowed him to pay a combined, all-in-one fine, but he could also serve an alternative sentence at the detention center instead--whereupon Lin Tsung-k'eh hopped in a taxi and went from Taipei Prison back to the detention center! (I would like to emphasize, however, that Lin was unjustly convicted.)

"Preferential Solitary Confinement"

As for myself, the reason I was left at the detention center instead of being transferred to Taipei Prison was that Taipei Prison was too crowded and could not afford to put only one inmate in a cell. People "high up" decided that if Li Ao shared a cell with others, he would end up knowing too much. Solitary confinement was actually to be preferred of course, so I was given "preferential treatment" and allowed to serve an alternative sentence at the detention center. My being left there was exceptional; my own case should not be taken as a basis for generalization. Such differences between me and the crowd were something that I came to understand immediately on arrival at the detention center. Of the eight blocks, Units Chung and Hsiao are special. Chung-3 is for prisoners who are denied visiting rights and for prison regulation violators, while Hsiao-3 is for those serving heavy sentences. The cells in Chung-2 and Hsiao-2 are for those sentenced to death or to life imprisonment. Chung-1 and Hsiao-1 are for those serving [other] heavy sentences.

But Hsiao-1 is a world of its own. It is called the "Protection Unit," and those prisoners with extremely special personas--foreigners, important public officials, police officials, etc.--are housed here to guard against unforeseen incidents. Upon my arrival at the detention center, I was "explained" as being something special. So, I was thrown in with this lot, even though my little half-year sentence left me hopelessly behind my fellow inmates, many of whom were serving terms of 10 years and more. Though some said that, with my light sentence I should have been permitted to work in the shop [see below], someone "up there" said they wanted to "protect" me, so I was put all alone in Cell 32.

Liu Feng-sung, who was found guilty of violating the New Election Law in his race for a seat in the National Assembly (and sentenced to three and a half years), was kept alone in Cell 46 alone until his transfer to Taipei Prison on January 5. When letters came to either of us from outside, both his and mine had to go past not only the Hsiao-1 block officer, but also T'an Juan-wu, section officer in the First Education Section, and even the security office, where they underwent special inspection, registration, hand transcription or photocopying. Obviously, such "protection" far surpassed the dictates of necessity and of course it filled one with both fear and hatred. As a means of resisting, I sent no letters out through them, so during that half-year they saw incoming letters, but not my replies. The single exception was when an airline stewardess wanted to visit me, and I replied formally with a letter of just a few words. Other than that they had no way to use my letters to frame me on "problems of thought"--or on any other question, for that matter.

[Sometimes the officers were tripped up by their own procedures.] On one occasion, a letter came, and because of some procedural slip-up, they had forgotten to make a photocopy. Finally, when I was out on the basketball court getting some air, they seized the opportunity to extend my fresh air time so that they could steal into my cell, find the letter, copy it and put it back. Another time, Liu Feng-sung was dealing with a few sheets of manuscript by sending them out in letter form. Because of a procedural oversight, he was allowed to send them out, but later the security section put its bureaucratic foot down, and all

the man in charge could do was go to Liu Feng-sung and personally ask his help in getting them back. With such strange goings-on, could anyone honestly doubt that Liu Feng-sung and I were political prisoners? Is it fair to say that I went to prison for the crime of "misappropriation"?

The general form for inspection of mail is titled "Registry of Letters Sent/Received by Defendant, Taipei Detention Center, Taiwan, 1981." There are 11 items to be filled in: number, name, criminal case, date of entry/exit to/from the detention center, date of receipt/dispatch of the letter, name and address of the sender/receiver, summary of the contents, seal of the duty officer, seal of the sender/receiver of the letter, and remarks. The form must be kept on file for 10 years. When it was printed in July 1981, 20,000 copies were printed, so the extent to which it is used can be readily appreciated. As for Liu Feng-sung and me, besides the usual registration form, our letters also underwent an additional procedure of special inspection and transcription by the block officer--and they were also photocopied by the security section. That they were willing to put up with such petty annoyances can only be explained in terms of the desire of all responsible personnel to have firmly in hand some evidence showing that they had done their duty, so that whenever the occasion should so require, they could prove that they had not been negligent. Aside from our letters, the block officer was also required to investigate and report on the thoughts and actions of Liu and me once every three days, to fill in a form, and to send it directly to the warden for his private examination. After Liu was transferred, I was the only person to be so investigated and reported on.

That those devoting their unrelenting attention to Liu Feng-sung and Li Ao were not doing this solely to get materials that the detention center itself would be using is demonstrated by a past case--that of Hsü Chün. Hsü was an official in the Finance Ministry of the Provincial Government who had been suspected of corruption. His case should have come under the jurisdiction of the Taichung District Court, but because the authorities wanted to investigate the question of his "biased thought," the courts went along and established jurisdiction on the basis of Hsü's place of residence, and the case was sent up to be tried by the Taipei District Court. Upon his entering the detention center, (3) a security agency sent a note to Ho Tzu-chung, section officer in the Third Education Section, telling him to open and read Hsü's mail, incoming and outgoing, and to record everything in detail on his correspondence record card. Not long after, the Garrison Command sent someone around to check out the situation with his correspondence. The detention center's handling of the "contents of letters sent and received" by Hsü Chün violates of Article 28 of the Detention Code.

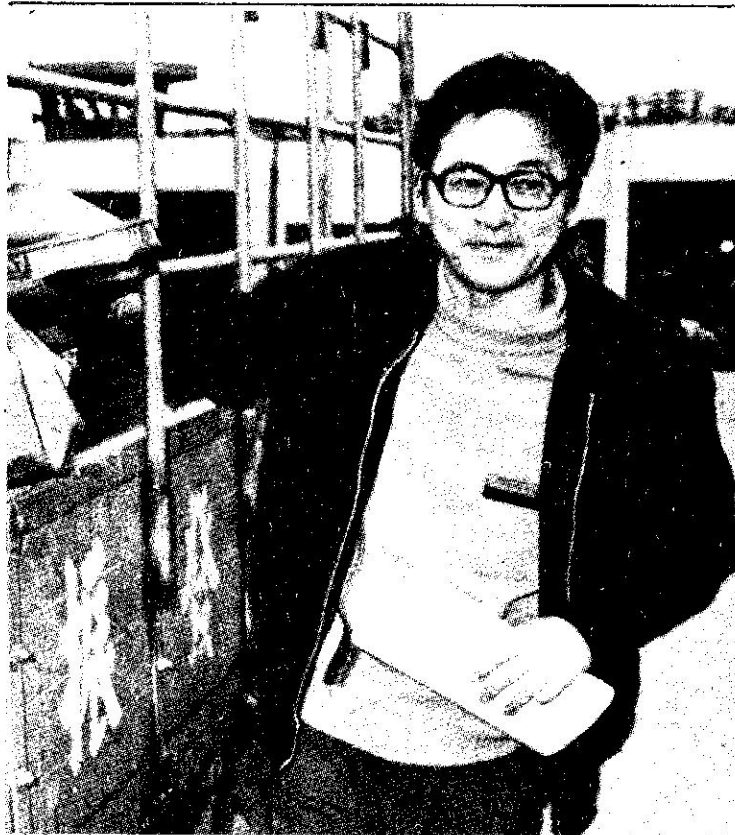
Prisoners May Work--If...

Of the 3,300 prisoners held at the detention center, 1,300 "go down to the shop" in the daytime to work, while another 300 "go out on detail," for a total of 1,600. The remaining 1,700 are locked up in their cells, where they can do nothing, for good or ill. Article 20 of the Law Governing Carrying Out of Sentences clearly stipulates "so as to be encouraged to repent and improve themselves, making them fit for life in society, sentences of convicts serving one year or more should be divided into several stages, to be dealt with according to progressive methods"--the so-called progressive treatment. Further, Article 20 of the Statutes Governing Progressive Treatment During Imposition of Sentences clearly stipulates quotas, with work occupying one-third. Progressive treatment is directly related to parole, so it has an extremely important bearing on the rights and welfare of the prisoners. But the detention center, being underequipped,

has made it so that half of the prisoners cannot engage in work. To be able to come out and work during daylight hours rather than remain locked up in their cells all day is something the prisoners can only dream about, even though it is their right.

More important, the unbearable loneliness of being locked up in one's cell is the hardest thing of all for most prisoners to take. They want to pass the time, and the best way to pass the time is to come out and work. Though the work is hard, everyone jumps at the chance. During my first term as political prisoner, most of the time I was held at the Military Court Detention Center, in a single-occupant cell only two p'ing [71 square feet] in area.

One time there was a change of cells and, because there were too many prisoners, a gangster from Tayüan in Taoyüan County was temporarily put in my cell. This guy's name was Hsü Hsing-teh. I used to read books; he sang Japanese songs. I said, You're making too much noise, why don't you do some work? He said, There is no work to do. I noticed that the crapper was covered with crud, accumulated over the years, so I said, Why don't you wash the crapper? He said OK, and washed it for a while, but the crud wouldn't come off. He said, The only way to do it is to scrape it off with a knife, have you got one? Whereupon I took out a makeshift blade that I had fashioned myself—ground down from a metal shoe insert—



Li Ao beside truck bearing his writings about prison conditions in Taiwan. (Statesman, no. 23.)

and gave it to him. He was delighted and fell to scraping it slowly. He scraped for a whole afternoon, but he only scraped off a little. I laughed at him for being such a slow-poke about it, but he said, "I'm taking my time on purpose. If there is work then it should be done slowly. What am I going to do when I finish it?" As to the bitter lot of having to sit in the clink without being able to work, Hsü Hsing-teh's words hit the nail right on the head. And working is more than a matter of passing the time, for the range of activities at the shop is broad, the people many. One can rap with the others, and scoring

cigarettes and other forbidden items is easier there, so everyone's practically breaking their necks to be the first in, and devil take the hindmost. Aside from work in the shops, everyone is also covetous of the orderly details—delivering the meals, washing the floors, sweeping the grounds, etc. The detail orderlies can walk up and down the corridors, take a bath, use the water, and make use of many other conveniences. So, being allowed to "go down to the shop" or "go out on detail" becomes a "service provided by the guards," for which the going rate is NT\$5,000, plus gifts on various major holidays throughout the year.

Among all the detail orderlies, there is the head honcho. He doesn't do any work. The head honcho is empowered to release non-orderlies from their cells to perform temporary work (for one or two hours) such as washing his bedsheets. This sort of task anyone is all too glad to do, because to get out and move about beats sitting in the cell, and one can even work in a trip to the bath. Of course this kind of temporary work offers infinite possibilities for carrying things to the extremes of fastidiousness—one bedsheets can be washed for two hours. Once you're finished, then it is immediately back to the cell with you. So, mutual relations are pragmatic: when there is a job for you to do you do it, and when it is over you're retired. Things are very clear-cut.

Therefore, as seen from the viewpoint of the prisoner, for that guy Li Ao, who was given a soft rap of only a half year, to be locked away by himself in a cell--this is a model of abusive treatment, and is in no way preferential treatment. The only thing is, Li Ao doesn't give a damn anyway. This kind of treatment is precisely the treatment accorded one who is "guilty of misappropriation" in name, but a political prisoner in fact. Volume I, Number 2 of Chou Ch'ing-yü's magazine, *Concern*, carried Wang T'o's prison complaints, which said, "Wang T'o has been hoping all along that he might be sent to the factory to work. He said that one who has been sentenced to six years or less in a civil case should not be treated as a felon doing big time." Wang T'o is truly a studious clod. He complains that, having been sentenced to six years, he is treated as a prisoner doing heavy time. Little does he know that even Li Ao, with a sentence of only six months, has qualified!

It was not my fate to be sent "down to the shop" or "out on detail." Even if it had been, I wouldn't have done it because I preferred to work hard at my studies. Where have I got the time to waste? But over at the shop they didn't know this. It seems that at the print shop there were many university students who hoped that I would come over, so the shop officers requested Personal Records to assign me there, but Personal Records' reply was: "Li Ao's type of confinement was on orders that came down from the Justice Department. Not only can't you have him moved; even the warden is helpless to budge him. Stop dreaming!"

Treatment for a prisoner doing a light sentence being such as this, what other reasons can be adduced than political ones? In 1918, Bertrand Russell went to prison for four and a half months. "Higher-ups" ordered that he must be specially confined in the "First Ward" so that he would be alone and not see others. In 1981, history is being replayed in my case. What, 1918? 1918 never passed, 1981 is 1918!

Prison Guards Alert ... Sometimes

"Going down to the shop" or "going out on detail" is also highly edifying. According to Justice Department Decree T'ai-1977-Chien No. 06080, "being assigned to a detail" should be granted to those who "have a clean record for at least one month from time of incarceration," and those whose crime "carries a main penalty of not more than five years." (4) This main penalty refers to the

sentence stipulated by law, not that announced at time of sentencing. But the center doesn't care. It does not abide by such limits as the one-month-to-five-year ruling; even men doing five years or more are let out of their cages in droves. For example, Ou-Yang K'un was sentenced to seven years, but through the good offices of the head of Prison Security, Wang Wen-fa, he was assigned to a work detail. Or take Ch'un Ch'en-liu. Sentenced to eight years, he was immediately assigned to a detail (through the help of Warden Chu Kuang-chün). Because the senior-level officers play with the law this way, naturally the guards below them are not far behind. Not only do men doing five or more years regularly get work assignments, those serving life sentences—even for murder—get jobs the same way. This being the case, there is of course much price naming.

This situation also gives rise to some good laughs. Let us take the example of Wang Chien-fu. Wang, 22 years old, was in for fraud. Very tall, he built a pyramid out of tea water barrels from the kitchen and made it over the wall. The point where he scaled the wall was not twenty meters from the sentry post. But the guards in the sentry post were sleeping in the middle of the day. For letting him escape, three guards (Ch'en Ch'ing-hua, Ch'eng T'ai-sheng

With such strange goings-on, can it possibly still be said that Liu Feng-sung and I did not go to prison as political prisoners?

and Li Hsin-ping) were indicted for neglect of duty. Wang's prison break was the second such successful escape from the Detention Center in forty days. Rather than saying that the problem was that the guards were asleep, it would be more accurate to say that [Minister of Justice] Li Yüan-ts'u was asleep, because the Justice Department has clearly decreed that a defendant cannot be assigned to a work detail until at least a month from the time of entering prison. From time of arrest to time of escape, Wang Chien-fu had only been there ten days, so it is quite clear that his being assigned work was not in accordance with prison regulations. If Li had not been napping, then how could such manifestly illegal things come about?

As for the work itself, Justice Department Decree 1979/02159 stipulates that "the scope of work for convicts or defendants assigned to orderly details is limited to kitchen, janitorial, infirmary or other similar details in the cell blocks, shops or classrooms. To prevent abuses, official documents and forms, and the registration and inspection of mail between the convicts or defendants and their families, cannot be handled by them." But the detention center does whatever it likes. Official forms and documents, as well as the registration and inspection of correspondence—except that received or sent by Liu Feng-sung, Li Ao and other "important prisoners"—are all handled by orderlies. Ch'eng Chih-ch'iao, customs official, and Lin Yao-shih, of the Criminal Police, were sentenced to ten and seven years, respectively. Both were indicted under statutes carrying a maximum penalty of death. It is hard to say how much heavier than "five years or less" that is, yet not only were they able to go out on detail, they were also responsible for the handling of official documents and the registering and inspection of mail.

Forms and documents pertaining to the monthly guidance records are also the responsibility of the detail orderlies, but since there has never been any guidance, either on an individual or a collective basis, everything that they fill in is lies, and these documents are fabrications. Those who lock up the people who have violated the laws spend all their days breaking the laws themselves—truly a marvel!

Who May Use the "Card Room"

Sometimes "going down to the shop" or "going out on detail" is on the instructions of the Justice Department. I would like to cite the example of Wang Wen-chi. Wang was an official at the Taoyüan Branch of the Keelung Customs assigned to the Consolidated Customs Container Yard. He was nabbed on suspicion of covering for someone who was smuggling automobile parts, and in his confession he admitted that he was getting NT\$6,000 per vehicle, for a total take of only NT\$30,000 [approximately US\$790]. He was arrested on 16 July 1981, and, even before he was indicted, had already been put on detail. It was a high-class job at that: work in the "Card Room." This is completely illegal. Since eligibility for assignment to a work detail is restricted in terms of the maximum penalty under the statute, if one hasn't even been indicted yet, then whence the "heaviest possible penalty?" But Chang Ch'i-pien, director of the Penal Institutions Department of the Justice Department, phoned instructions to the detention center to do so, so they were only following orders. Come 14 September, the indictment was received and the corruption statutes—with a minimum penalty of ten years—were applied, which is more than twice the maximum allowable sentence under which assignment to a work detail is allowed; so under the law he shouldn't have been allowed work. There was nothing that Mao Shih-hsin, head of the detention center's Personal Records Room, could do, so he put Wang Wen-chi in Hsiao-1 Block, Cell 23, and to keep him company put in another inmate, Ch'en Yen-t'ing, a public official tried in another case. Wang Wen-chi flew into a rage and insisted he be sent back to the "Card Room." Not long after, the detention center received a call from Minister of Justice Li Yüan-ts'u, telling them to act accordingly. Deputy Warden Wang Pen-liu summoned Wang and told him that he could work on a shop detail, but that it would be really inconvenient for him to work in the "Card Room." Wang Wen-chi stuck to his guns and said that he wanted to be put on the "Card Room" roster. The detention center had no choice, as it didn't dare break the law by giving him an assignment. All it could do was tell the "Card Room" officer to file a report saying that, because of Wang Wen-chi's special qualifications, he would like to borrow him and put him on the roster, thereby sticking the lower guy with the responsibility and leaving himself an out if something should come of it.

Thus it happened that on the afternoon of September 22, Wang Wen-chi strutted grandly back to the Card Room. In the first hearing at the District Court on 1 October, Wang Wen-chi's lawyer was a man named Yeh; he had formerly been a prosecutor at the Keelung District Attorney's Office. Because of a question of indiscreet conduct, he was demoted to court-appointed defense counsel in southern Taiwan; he then quit and became a private attorney. The place Lawyer Yeh lived was nowhere else but right next door to the judge handling Wang Wen-chi's case. He orally petitioned the court for Wang's release on bail, which was immediately granted. Such a liberal, generous order is exceedingly rare; in cases like this such petitions are generally not granted. The judge wanted Wang Wen-chi to supply a formal bail document and he issued a summons to appear in court on October 14. But suddenly, on the morning of October 7, he received a summons to appear in court, and when he appeared there was no other business but to arrange his release on bail—of NT\$100,000 [US\$2,630]!

This sort of convenience accorded a defendant set something of a record. Indeed, the convenience accorded Wang Wen-chi was not limited to the matters referred to above. When he had been at the detention center, if his family had some important secrets to pass on to him, Warden Chu Kuang-chün served as the bridge. Chu informed his guidance counselor, Lin T'ang-cheng, and Lin repeated everything word for word. Wang Wen-chi is from Tachia in Tai-

chung. His wife is related to Chang Ch'i-pien, on top of which he had the moral support of a big-shot sitting on the Judicial Committee of the Legislative Yuan. So the Justice Department dared not refuse his currency. For us, the example of Wang Wen-chi provides sufficient instruction as to the "openness of justice."

Connections Hasten Release

Compared with the case of Hung Ping-lin, Wang Wen-chi's pretentious airs were nothing. Hung Ping-lin, who hails from Changhua, is [ROC Vice-president] Hsieh Tung-min's man. Hsieh pulled him up along the way, and in July 1980 he was promoted to the position of Deputy Director of the Water Conservancy Bureau. On suspicion of (along with Department Head Ts'ai Kan-ch'ing) having taken bribes amounting to NT\$120,000 [US\$3,160], he was arrested on 3 September 1980. As the case came just when Hsieh was mourning the death of his wife, added to the fact that the case was so much in the news, Hsieh did not immediately come forth. But not long after, Hsieh Tung-min was ready to put in a word for him, and he was found not guilty by the courts. The "reason:" Although Hung Ping-lin admitted in his confession to having received the \$NT120,000, this was only a matter of personal courtesy, and had nothing to do with his job! What an astronomical "personal courtesy!" Yet the prosecutor, as expected, did not appeal. Then, once the case had receded from prominence to "insignificance," and then from a trifling matter to no matter at all, Hung Ping-lin immediately got his job back. He was even promoted, on 7 October 1981, to the post of director!

Ts'ai Kan-ch'ing, who was tried in the same case, was sentenced to five years (and landed a job in the detention center as orderly in the Guidance Section). One day his former boss came to see him, and roared: "For a matter as small as this you're being detained? Pack your bags and hurry home!" Come the next day, he was mysteriously sent home.

The cases we have been talking about above were of those who should not have been sent home, but were. But there is another type of case: those who should be sent home but are not. Take the case of Yang Tsung-ts'ai. Forty-four years old and from Changhua, Yang Tsung-ts'ai was arrested on 22 June 1981 for injuring someone in a fight over money. At the time of his admission he brought with him a five-year-old boy who was mentally handicapped, and who was given to beating his head against the wall, striking his face with his hands and crying without letup in the middle of the night. According to Article 13 of the Detention Code, "A woman who enters the detention center, and applies to bring her child with her, shall have her application granted, so long as the child is less than three years old." So evidently, according to the law, men are not allowed to bring children with them into the center. In the first place, the defendant was a man, and in the second, the child was five years old, so how could they come in to the center together? On October 3, the center transferred them to Taipei Prison, but the prison refused to accept a child like this, and both father and child were sent back to the detention center. Such is the "virtuous administration" with which the center manages its affairs.

"Pure in Thought, Virtuous of Character"

Detained here are some 3,300 prisoners, yet there are only 161 guards holding police rank. They work in shifts, with 80 men to a shift. If we include administrators, the entire staff totals 240. According to Justice Department Decree T'ai-1976-Jen No. 09551, the hiring of guards is

restricted to high school graduates between 22 and 40 years old who have finished their military training, are pure in thought and of virtuous character. A guard hired on a temporary basis wears a stripe and a star, while a regular guard has a stripe and two stars. Go a rank higher, and there is the commissioned guard, who sports one stripe and three stars, followed by the head guard, with one-and-four. Still higher are the section officer and section chief, with insignia of two-and-one and two-and-three, respectively. The highest ranks belong to the secretary, deputy warden and warden.

All these people have been known down through Chinese history as "jailers." In the ancient Han Dynasty, when Chou Po was let out of prison, he was known to exclaim, "I have commanded a million troops, but little did I know that jailers were as fearsome as this!" The fearsomeness of jailers is in keeping with Chinese tradition. And the "jailers" of tradition were the "jailhouse honchos" who today wear the uniforms of the Judicial Police. Operations of the Judicial Police are confined to the courts and the prisons, and when they leave the premises they must "discard their skins" because it is feared that, if they get

Under the law, guards are not supposed to use truncheons or whips.

mixed up with the real police and run into some situation outside, it could stir up a great deal of embarrassment. Some situations must be dealt with by the police, but they are not police, so naturally it could be embarrassing. But there have been exceptions, such as 17 years ago, when the courts, acting on Kuomintang cultural agent Hsü Fu-kuan's lawsuit against me, dispatched someone from the Judicial Police, a one-and-four to arrest me. Laughing, I asked this one-and-four, "When you arrest someone, don't you have to go through the police having local jurisdiction?" This fellow had a real sense of humor. "We have 'independence of the judiciary,' so we don't have to go through anybody!" he said. What "independence of the judiciary!"(5)

Because the jailhouse honchos wear police hats, among themselves the inmates use the word "hats" as their nickname. Being prison administrators, the "hats" ought to have received rigorous professional training. The United States, for example, has long had its Central Guard School, which specializes in the training of those who qualify as prison administration material. But here, again, the "national situation being different," (6) this kind of thing is not in vogue with the Taipei Detention Center. All they need to do is meet a few pitiful conditions and they are ready to trot right out and start their jobs--there are even a good number who have not graduated from high school, even primary school.

As for the breakdown of jobs at the detention center, there is the Guidance Section, Personal Records Room, Construction Brigade, Agricultural Arts Brigade, Sanitation Brigade, Kitchen Brigade, the Commissary, the Stockroom and the Card Room. All of them, except for the Guidance Section and the Personal Records Room (both run by head guards), are staffed by ordinary guards. They go on duty every day, and are called the day-shift or main-shift officers, while the cell block and shop officers are also called the day-shift officers.

All these officers go off duty at 5 p.m., when the inmate detail orderlies are all returned to their cells, and the night prison security shift takes over. The night shift officers are divided into two squads, A and B. Each squad is led by two rotating squad leaders, under whom come two head guards, an office manager and many patrol guards. Squads A and Squad B are each on one day, (Cont'd p. 59.)

Prison Memoirs

By LIU QING

Edited and annotated by Stanley Rosen and James Seymour

EDITORS' INTRODUCTION

Liu Qing, one of China's leading democratic activists, was arrested in 1979, at the end of China's brief liberal experiment. He was granted no trial, and the following summer he was sent to a remote prison to serve a term of "re-education through labor." While there he wrote and smuggled out these memoirs, the full title of which is: "Looking Back at the Dismal Past, and Looking Forward: My Appeal to the Court of Public Opinion." In this he depicted his experiences in the democratic movement and his subsequent confinement. Although the government has insisted that the document is a fraud (a Foreign Ministry spokesperson said that it was "a sheer fabrication of unknown origin"), handwriting checks and content analysis convince one to the contrary.

From 1973 to 1977 Liu Qing attended Nanjing University, and was then given a job as mechanic in a nearby factory. Soon, however, he moved to Peking and thus was on hand for the 1978-79 human rights movement centered around Xidan Democracy Wall. In November 1978, Liu and his colleague Xu Wenli (see SPEAHR-head 8) founded April Fifth Forum,* one of many crudely-produced journals which sprang up at this time.

Although the various democracy groups had their philosophical differences, these people were united by a shared view that China's poverty--both economic and cultural--is largely due to artificial obstructions to the flow of ideas and information. They also realized that whatever little chance their movement had to survive was dependent on their maintaining a united front, and engaging in tactical cooperation. Liu tells us of the "Joint Conference" of January 1979, when it was agreed that if one of their number were arrested, all the organizations would endeavor to come to the rescue. Liu himself was designated "convener," and thus felt that he had a special responsibility when the famous dissident Wei Jingsheng was detained by the Public Security Bureau in 1979. Liu Qing actually managed to transcribe the proceedings of the trial, which were sold to the public. (A translation appeared in SPEAHRheads 10 and 11.) The state would later argue that so doing was illegal, because under the law only the New China News Agency may publish news. However, Liu thoroughly shreds this rationale, and it seems obvious that the real problem was the political sensitivity of the material, and not any violation of law. At any rate, after some of Liu's colleagues in this effort were detained on November 11, he went voluntarily to the police and insisted on assuming full responsibility. He was detained, and given a three-year sentence at labor education. After spending eight months in Peking's jails (most of the time in solitary confinement), he was sent to a prison in Shaanxi Province called Lotus Flower Temple (Lianhua-si) to serve out his term.

Liu's arrest became important in galvanizing the democratic activists throughout the country. Faced with dwindling numbers because of increasing official pressure, these people had needed an issue around which to unite. Thus, on May 20, 1980, eleven organizations from cities as geographically separated as Peking, Changsha, Hangzhou, and Canton distributed copies of a leaflet in the capital demanding his release. Support for Liu began to be linked with appeals for a new publications code, the retention of the Four Greats, and other issues of common concern. By the end of August, twelve organizations throughout the country had established a committee to "rescue" him. In October a "National Committee to Save Liu Qing" was formed by sixteen unofficial organs around China. Many of those who joined in these various efforts were arrested in April 1981.

Once in prison, Liu Qing secretly undertook to write his memoirs (utilizing paper intended for his self-criticism or confession). With the help of a visitor, the manuscript was brought to the capital, then duplicated and distributed to a small number of interested Chinese and foreigners. Thus, it reached the outside world.†

From this document we can learn much about human rights and penology in China. Although a criminal code was adopted in 1979 which ostensibly protected citizens from arbitrary arrest and detention, a major loophole was subsequently opened when, in February 1980, a 1957 regulation was republished. This provides for up to three years "reeducation through labor" for "antisocialist elements," "hooligans," etc. There is no provision for judicial review. Liu is being held under these regulations.

Prison conditions are depicted in some detail. It is explained that there are different classes of prisoners at Lotus Flower camp: common criminals, political prisoners, and education-through-labor inmates. The latter are still supposed to be citizens. However, this distinction seems to be only theoretical, as the prisoners are treated similarly. The prison population can also be broken down in terms of those convicted in a trial and those for whom no trial had been held. In the latter category are the labor-education group, and some of the criminal suspects. Although no allegation is made of outright torture in the strict sense of the word, Liu was subjected to some physical abuse, and there is considerable discussion of mental manipulation and persecution. What comes across continually is the interrogators' determination to break Liu's will to resist, and his stubborn insistence on answering their blandishments with what they consider legalisms.

*Translations of April Fifth Forum essays can be found in SPEAHRhead nos. 4/5 and 6/7; Chinese Law and Government, fall-winter 1980-81 and fall 1981; James D. Seymour, *The Fifth Modernization: China's Human Rights Movement, 1978-1979* (Crugers, N. Y.: Earl Coleman Enterprises, 1980).

†Time Magazine, followed by various other publications, carried a report of the memoirs. The Washington Post published a particularly long account. After it appeared, the Post's Michael Weisskopf was summoned to the Foreign Ministry for a reprimand. (New York Times, 22 September 1981.) The incident occurred after the foreign press had already been warned not to report on dissidents, and illustrates the determination of the government to control reportage on Chinese politics.

The memoirs were published in Chinese in Hong Kong (Yuzhong shouji, as a book by Baixing Monthly). As a result (according to the Hong Kong monthly Zhengming, 1982, no. 59, p. 28), Liu's younger brother, Liu Nian-chun, and another activist named Lu Lin, were arrested in China.

This English translation of Liu's memoirs has been a cooperative effort of SPEAHR and M. E. Sharp, Inc. (80 Business Park Dr., Armonk N. Y. 10504), which is publishing them with a longer introduction. SPEAHR is grateful to M. E. Sharp, Inc., for underwriting the cost of the translation and typesetting.

In preparing the translation we have relied on both the Baixing version (which, however, contains some errors), and a not-always-legible copy of the handwritten

original (received from a journalist formerly stationed in Peking).

This document was written under the most difficult of circumstances, with the author having no opportunity to reorganize his work. We hesitate to publish the essay in this form, because we are sure that it fails to do justice to a fine writer who under normal circumstances would produce a tightly reasoned and organized work. However, were we to begin any substantial reorganization and rewriting, the result would no longer be completely Liu Qing's, and thus would lose some of its value as an original source on human rights in China. Therefore, we have deliberately played a limited editorial role. Thus, with few exceptions (our paraphrases of Liu's discussions of his unauthorized sick leave and the Star Art Exhibition have been moved from near the end of the work to Part V) we have not reordered the manuscript. We have divided the work into parts and subsections, supplying headings for each. It should be emphasized that these divisions are ours, and occasionally there is some material in a section which is not particularly relevant to the heading we have provided.

We felt that some parts of the work required abbreviation. This has been done in two ways (always in square brackets). Where we were comfortable doing so, we summarized the original in our own words, referring to Liu in the third person. Where we felt that we should not stray from Liu's choice of words, we have paraphrased, after so indicating. In general, paraphrases follow the wording of the original, except that much material is omitted without indication. --SR & JS

Part I: My Arrest

On October 14, 1979, I learned that the case of Wei Jingsheng would be tried in open court the next day. I passed this information to some unofficial periodicals and small organizations in Beijing. We agreed to assemble at seven in the morning on the fifteenth in front of the Intermediate Court at No. 1 Zhengyi Road in Beijing to request tickets for admission to the courtroom. The next day I went there, and in front of the courthouse I saw shivering in the chilly morning breeze several foreign correspondents and the responsible persons of several unofficial periodicals and small organizations. There was a notice hung over the railing of the Intermediate Court: "The case of Wei Jingsheng will be tried on another day. Specific date will be announced later." We questioned the front office of the Intermediate Court as to the approximate date. The answer was "Don't know." Judging by past experience, so-called postponement means indefinite postponement. But surprisingly, in the evening of the same day, I heard further that the Wei Jingsheng case would be tried at eight o'clock the next day (the sixteenth). I also learned that the distribution of the tickets for admission of spectators into the courtroom was entirely controlled internally.

Why should an open trial be made so mysterious?

Ren Wanting (responsible person of "the Human Rights League"), Wei Jingsheng, Fu Yuehua, Chen Lü, Zhang Wenho, et al., were arrested in March 1979. Not only did they draw the attention of the entire nation, they also attracted a certain amount of international attention. Their circumstances were often reported abroad; Chinese leaders and unofficial periodicals and small organizations in Beijing were asked about them by foreign newsmen. Reportedly, the United Nations and Amnesty International have repeatedly written to the Chinese government on their behalf. Why is it that in China and abroad people have paid so much attention to the fate of these ordinary Chinese people? The reason is that coinciding with their arrests there was a gust of "cold March wind" on the political stage of China; for a while, there was quite a good deal of clamor and bustle, and the entire nation and the world were worried. Not only were people concerned about the fate of these individuals, they were even more anxious because of the implications that their treatment had for Chinese politics in general. I, too, am very concerned about their fate. Because admission tickets for the general public were being distributed internally (Why should they be distributed internally?), and it was therefore difficult to obtain one, I went that evening to find an acquaintance who had already obtained a ticket; I handed him a tape recorder and asked him to record the trial.

In the evening of the sixteenth I brought back the tapes, and several others and I spent some four or five hours listening to them. We had generally thought that Wei Jingsheng had violated the law concerning the classified information. But the court cited two more serious offenses,¹ and it imposed the severe

FOR EDITOR'S NOTES 1 THROUGH 14, SEE P. 31.

punishment of a prison term of fifteen years and the deprivation of political rights for three years.

This kind of sentence did not convince people; it was a mockery of the rule of law that was being promoted in China; it was a blow to democracy and the rule of law. It indicated that in China one had to be careful about what one said; true freedom of thought and freedom of speech would have to await the impetus of history.

The impetus requires that there be people who do the push-

ing. If you see injustice and incorrect things and you have no courage to point them out, or if you close your eyes to them, or turn your backs on them, then we are not up to talking about pushing. If the entire nation tolerates injustice and has no courage to reprimand, then this nation is doomed; it is not worthy of pity and a better fate. The Chinese nation is not such a nation; any time, even during the darkest and most autocratic periods, it did not lack sons who were self-sacrificing and outspoken. Because the sentence was based on incorrectly attributed crimes, and because too many people have paid attention to this case, the case of Wei Jingsheng has stimulated all kinds of discussion. All the unofficial periodicals in Beijing believed that they had the responsibility and duty to expose the truth to the world, to criticize the improper areas, to cause even more attention to be paid to the case in order to reach the nation's leaders who were abiding by the reforms of the nation's system.

The amount of work required to transcribe and mimeograph the tapes was not great. The job did not require the mobilization of the several unofficial periodicals in Beijing. We also knew that if we openly touched the "authorities'" tender spot, we would run into difficulties. Later events also proved that our foresight was unfortunately quite correct. Therefore there was no necessity to let many people participate in this work of "anticipated bad consequences." I shouldered this task by myself with the help of several enthusiastic assistants.

The reason that I shouldered this task was because I had some advantages and I had a certain duty to fulfill.

April Fifth Forum since its first day of publication had a clear political viewpoint. The political viewpoint of April Fifth Forum was very different from the blunt and unconcealed viewpoint of Exploration,² for which Wei Jingsheng was mainly responsible. Being one of the sponsors of April Fifth Forum, I had engaged many political arguments with Wei Jingsheng. After Wei Jingsheng published the editorial "Do You Want Democracy or New Dictatorship?"³ in Exploration, I wrote articles to discuss this issue and to present my questions. According to what I knew, as much as the "official sector" hated Wei Jingsheng and his writings, it had never written anything to rebut them seriously — maybe they did not consider it worthwhile, or were they afraid of enhancing the status of Wei Jingsheng? Their method was in fact appropriate. How could they be like Engels; having written his long and famous anti-Dühring article, in elevating Mr. Dühring, made Eugen Dühring a personality known to the world. On the other hand, the attitudes toward Wei Jingsheng expressed on Democracy Wall either praised him as a hero or downgraded him as a rotten element. I am possibly the only person who has written some crude but nevertheless realistic articles offering rebuttals to Wei Jingsheng. Among those who knew the inside story, there was no lack of people who chided me for this. One of my friends said to my face: "I earnestly want to tear down the rubbish written by you from the Wall." Therefore, in the eyes of people, if I am not regarded as Wei Jingsheng's enemy, I am afraid that I cannot be regarded as traveling down the same road with him either. I myself also very naively assumed that since my history would make it difficult for those people, who were accustomed to misinterpretation and nonsense, to put me in the same category with Wei Jingsheng, in fairness I could without fear say a few words.

In the beginning of 1979 the various unofficial periodicals

and small organizations in Beijing formed a "Joint Conference" which tolerated all viewpoints. Among them, the various organizations reached four agreements. The substance included the following: If any one individual or group among the unofficial periodicals or small organizations is arrested on account of speech or thought, other organizations have the duty to proceed with calls for help and rescue efforts, to publish the truth, and to mobilize the public. They should console and comfort the family. When economic conditions permit, they should give financial aid. They should also negotiate with the government and demand to visit the arrested. I was elected by the unofficial periodicals as the convener of the "Joint Conference."

Here I must confess with remorse that after the arrest of Ren Wanting, Wei Jingsheng, and others, the carrying out of the four agreements by the unofficial periodicals was not entirely faultless. This was owing to various subjective and objective factors, and I don't intend to discuss in detail those unpleasant things of the past. If in the past we were unable to organize an effective rescue mission, we could blame it on a lack of understanding of the circumstances, the secretive measures of the judicial organs. That is, when a person disappeared from society, he had no way to make connections with society, and he had no way to tell his relatives and friends of

The people of China must have the courage to intrude into zones declared "off limits" by various gods and saints.

his own guilt or innocence in order to retain a trusted counsel or to proceed with calls for help and rescue in society. (I should mention in this connection that I regard secretive measures as a defect in the judicial system. They hinder the timely remedying of injustice, are weighted excessively in favor of the judicial organs, and render the detained individuals helpless and desperate in the pretrial period.) Now, after the trial, we have learned of the circumstances in detail from the tapes; we no longer have this excuse for not doing our duty. I, who was trusted by all the organizations and elected as the convener, could not avoid carrying out the provisions which were passed during my term of office and were never declared null or void, in spite of the fact that the "Joint Conference" was in fact nonexistent.

In June 1979, through Judge Luo Kejun of the Intermediate Court, Wei Jingsheng transmitted his request to me: "Please let Liu Qing be my defender in court, or please have Liu Qing find legal counsel for me." After the request was made known to me, I went to talk to some people at the Department of Law of Beijing University and consulted with some people well versed in legal matters. Because at the time China had not yet promulgated the "Criminal Law," I ultimately could only tell Luo Kejun that "in view of the fact that China does not yet have a 'Criminal Law,' there is no basis for us to argue for the defense. I am unable to accept the request to defend Wei Jingsheng. If the court could help by suggesting something similar to a 'Criminal Code' or some established rules of legal significance, I would be willing to accept the request and to defend [Wei] in court. We ask the court to permit us to visit the detained, to enable us and the detained to have an opportunity to understand all aspects of the situation, so that Wei Jingsheng will truly have the benefit of defense counsel. Finally, I represent the unofficial periodicals and a large number of individuals in asking the court to try the Wei case in open court."

After the "Criminal Code" was promulgated, I consulted with some people to plan the forming of a defense group, specifically for the defense of Wei Jingsheng, Fu Yuehua, Ren Wanting, and others. It was regrettable that before we could let the court know of our acceptance of the request, the court had begun the trial — we who had been afflicted with our national disease of slowness and hesitation really moved too slowly. Although we accomplished nothing, in view of the fact that a detained person in his most difficult moment placed his hope in me and trusted me, I felt that I had a moral responsibility that I could not evade.

Because of our different beliefs, Wei Jingsheng and I had argued vehemently many times. And when he declared that the government was ready to arrest people on a large scale, our argument was especially heated. At the time I said that if there was no other reason than immoderate speech for Wei's arrest, I would certainly organize his rescue and issue calls for help; if these did not work, I would go alone to Zhongnanhai and undertake a hunger strike to protest, and I would not be afraid to go to jail with Wei Jingsheng. At the time I was very optimistic; I believed that the government, whose leadership had only recently been cleansed and renewed with fresh blood, would not that quickly employ the magic weapon of the "dictatorship of the proletariat" in a deadly attack. After the sentence, I learned from the tapes that there was truly the attribution of guilt to speech and a grave injustice was done. If I did not point this out and have it redressed, and if I did not fulfill my promise, my cowardice would border on despicableness.

The final but the most important point is that members of the Chinese nation can no longer regard politics in terms of their own needs, abuse the law and alter the law until it is unrecognizable. The people of China must have the courage to intrude into any holy ground declared off limits by gods and saints. They should always ask "why?" about everything. They should be determined not to follow blindly or let their own rights be lost. The hope of China is vested in the courage of the Chinese people. The case of Wei Jingsheng is one of those in which the people should bravely intrude into the "forbidden zone." The way in which the case of Wei Jingsheng and the others is handled has important consequences. Through the handling of this case people will understand the direction of China's future, the stability of current policies, how far China can proceed on the road of democracy and the rule of law, how much power Chinese citizens have, and what their guarantees are. The question in fact touches on the trust in the leadership group and confidence in its policies. China is in a critical period. From now on, whether we can do well or not will be determined by the degree of people's trust and confidence. Because the disposition of the Wei case is unjust, it has become a very harmful problem with profound and enduring consequences. Anyone with a sense of responsibility should not remain aloof to this.

Publishing the Trial Proceedings

In early November, with the assistance of friends, I finally completed the transcription of the tapes. We checked the transcriptions against the tapes many times. With the exception of an extremely small section where the voices were very unclear or where there were lapses owing to changing of tapes, our transcription didn't miss a single word. It was absolutely authentic. We at first copied it in the form of a big-character poster and pasted it on Democracy Wall in Xidan to satisfy the most important readers. Then we mimeographed over a thousand copies.

On November 9, we posted on Democracy Wall a notice that the "Proceedings of the Wei Jingsheng Trial" would go on sale

on November 11. Shortly after two o'clock in the afternoon of the eleventh, several thousand people had gathered under the sale notice. Because of the people's demand we started selling the booklets a few minutes earlier than we had announced. Although there were some twenty people helping me maintain order, it was quite chaotic. When some people saw that the number of booklets was limited, they tried to push forward to purchase several copies. When I was trying my best to maintain order a person whose face was quite familiar pulled me aside and said that he had something important to tell me. I followed him to a quiet spot. He said, "The Public Security Bureau has already been mobilized, and the target is you people. Within half an hour there will be action." I rushed back immediately, but it was already too late. People were in great confusion. Some were frightened and chattering, others were running blindly, and some were asking questions everywhere.

I am no longer so simple as to believe that "right is right, wrong is wrong, and all else are lies."

I spotted the Associated Press correspondent Victoria and her assistant Liu Xiangcheng; fear and suspicion were written on the faces of dozens of foreign correspondents, including the correspondent for the Daily Telegraph, [Nigel] Wade; they shrugged their shoulders and spread their hands in gestures of futility. Some more courageous correspondents tried to take pictures, but their cameras were unexpectedly pushed aside by long arms reaching out from among the masses of people. There were individuals in big officer's caps running to and fro among the people; wherever they went, people quickly moved aside, thus forming "human corridors" in the shapes of "I." Someone told me there was an incident, and that the booklets had been seized and people arrested. As he pulled me to the roadside, we saw a "fully loaded" bakery truck and a vehicle that looked like an ambulance pull away from the curb and speed westward with a good deal of noise.

Later people told me what had happened.

After I had been pulled aside, there suddenly appeared a group of policemen. Some eyewitnesses said there had been seventy or eighty, and some said over one hundred policemen. Some of them blocked off the sidewalks on the two ends of "Democracy Wall." Others then rushed into the crowd and seized the booklets. Three or four policemen jumped on a seller, pulled back his hands, and ushered him into an automobile with his head down in the "airplane style." There were people in the crowd who questioned, and they were answered with fists and kicks and were also escorted to the waiting automobile with their hands tied in the back in the same "airplane style."

I have always thought that our country's attitudes toward foreigners has often been slavish and servile, or at least too respectful. But this time I discovered that this was only one side of the picture. The numerous foreign newsmen in front of Democracy Wall had seen the fight; realizing it was a rare opportunity to capture a rare spectacle, one after another they shot with their cameras. However, whoever tried to take pictures was shoved and even treated with fists. This was truly raising the morale of the Chinese people! Who said that Chinese people could only bow down when they saw tall noses? We had our eighteen kinds of martial arts! What was a bit inadequate was the fact that the brave boxers were also blessed with runners' legs; after delivering a blow, they instantly disappeared. It was difficult to avoid the unvoiced criticism: "It is not manly to injure with secret arrows."

According to eyewitnesses, the boxers were clothed as common people. Perhaps they were patriotic common people who understood deeply the national spirit, that "domestic ugliness should not be known to outsiders." But I have learned "dialectical materialism." I am no longer so simple as to believe that "right is right, and wrong is wrong, and all else is lies." Therefore I don't rule out the possibility that the boxers had double identities. Privately, I still hope that this "polite" behavior stemmed only from the spontaneous indignation of the frugal proletariat in a nation known for its proper etiquette, and that it was not a "revolutionary action" ordered from above. This is because I remember that during the months and years when the "Gang of Four" was in power, there was a formally decreed document from the Central Committee which stated that wherever foreigners were allowed to visit, the gathering of news and picture-taking were also permitted. Could it be that when the "Gang of Four" was doing things in violation of human feelings and reason, causing indignation in heaven and earth, they still respected international practice and dared let foreigners take pictures and gather news in places where they visited, whereas today, with the rule of law strengthened, with the public security personnel carrying out their tasks to protect the laws, they acted as if they were afraid of being found out and their deeds recorded? Were they worse than the "Gang of Four"?

It was said that among those arrested there was at least one of my friends who was helping me sell the booklets. There was also a young woman, who, after much shoving and crowding, managed to get hold of a few copies of the booklet; she was blocked by the rampaging police. She naturally didn't want to relinquish something she had obtained with money and effort, so she too was whisked off. Altogether there were four or more people arrested.

If the content of the mimeographed booklets was forbidden (the police really had no knowledge of the content), the Public Security Bureau could have let me know that the sale was forbidden. Why was it necessary to demonstrate "the martial arts" in the busy streets of the national capital? Could it be that the security personnel's long training required an outlet for practice and demonstration so that their skills would not get rusty? Or was it that it didn't seem necessary to waste words on us lowly common folks, that we only deserved being taught a lesson and brought in line with punches and kicks? Even if I had made a mistake or violated the law, I could find no reason for the staging of such a great spectacle of beating, because that is not necessary in order to indicate the determination of the "dictatorship of the proletariat." But as far as I knew, legally I had not disobeyed a single rule. Why should I be treated with such brutality?

In addition, many of those friends who helped me and those who spoke up out of moral indignation were ushered away in the "airplane style." They were now in prison. How could I forsake them? How could I be uninterested in facts and reasons, right or wrong, afraid of danger and difficulty, behave like the common saying: Dab some grease under your feet — slip away?

Seeking Redress from the Police

I made up my mind to go to the public security departments to get to the bottom of the entire incident. If selling the booklets was in any way violating the law, either legally or administratively, the responsibility should be borne by me; it should not involve any of those arrested. If my activity was legal, then the responsibility should rest with the Public Security Bureau of Beijing Municipality, and the latter should release the individuals and return whatever was confiscated. Yang Jing, edi-

tor of April Fifth Forum, Zhao Xin, founding member of the Human Rights League, Sun Yan, the coordinator, and an acquaintance, a young woman who was very indignant about the arrests, all indicated that they wanted to accompany me to the public security departments.

The automobile bearing the arrestees had sped westward, in the opposite direction from the Beijing Public Security Bureau. A few days earlier, when objects were seized at the Star Art Exhibit, it was the branch bureau that performed the task. This led us to believe that this time it was also the branch bureau which had performed the "martial arts act," but when we went to the branch bureau in the western part of the city to inquire, this proved mistaken. The branch bureau in the western part of the city declared that it knew nothing about it; we were told that the district police station which was in charge of all incidents in that district would definitely know about it. So we turned around and went to the Chang'an Street Police Station. At first the police station denied any knowledge of the matter; then, after Zhao Xing identified a policeman wearing glasses as the one who had confiscated the publications, and he described how this policeman had grabbed the booklets from a woman, they began to open their mouths a little awkwardly and indicated that they were carrying out orders from the higher authorities. When asked who specifically the higher authorities were, they hesitated and refused to divulge anything. Finally their station chief was asked to see us.

With a haggard look, he paced the floor deliberately to indicate his superior station chief's status over all the policemen. He was no stranger to me. His name was Liu, and he had been a policeman in the street subdistrict where I used to live. Around 1970 when Lin Biao and the "Gang of Four" were in power, he had been praised conspicuously in the newspapers as a model pacesetter who could learn and apply creatively. In the late evening of December 10, 1968, a group of Red Guards invaded our home and thrust me into the "study class" sponsored by the West Chang'an Street Police Station; after being held for four days, I was questioned by this very policeman-turned-station-chief. Obviously greatly satisfied, he said, "Have you thought things through? Aren't you going back to your brigade?" Only then did I realize that the reason that I had been arrested at midnight and put into the "study class" was that prior to the arrest I had not followed the order of this policeman to return to the rural areas. I understand myself; unfortunately I was the type of person who would rather die than acknowledge defeat even when the situation was hopelessly against me. When I was face to face with those policemen who considered themselves the personification of the law, I was always unconvinced, and I "honestly fancied" that I could argue with these people on matters of principle. On that occasion I was also watching this same self-satisfied face that gave promise of rapid promotions, and I blurted out, "I have not thought them through. I will be hard to convince." The upshot was that I was kept locked up in that "study class" for forty more days; when the "study class" ended without any rhyme or reason, my case likewise ended with no rhyme or reason.

He also recognized me instantly, and he immediately put on the manner of greeting an old acquaintance. He asked about my family, my parents, and my own personal situation in a very concerned manner. My memory of the past incident and the reality at hand made me reluctant to continue this pseudo-familiar conversation. Directly I put the question to him: What were the laws and concrete rules on the basis of which you arrested these individuals and seized the booklets? If your activities had no legal grounds, I now demand that you return my booklets and release the arrested individuals, and I also demand an explanation.

Liu Qing addressing crowd in 1979 at Beijing's Democracy Wall.



Like the police officer Ao-chu-mi-lo-fu [transliteration], he changed his expression. He put away his sweet smiles and openly threatened us. I gathered from what he had said that he had been carrying out the orders of the higher authorities. But no matter how I questioned him, he stubbornly refused to say which higher authorities had issued the orders.

What made me extremely angry was the fact that these policemen, following their usual practice, proceeded to question each of those who had accompanied me there in isolation from the others. They and I repeatedly announced to the policemen that only I had anything to do with the booklets, that only I wanted to ask questions, that all the others had no connection with the booklets, and that they had accompanied me there because they were concerned about the arrested individuals and the incident itself. But the policemen did not pay the slightest attention, and stubbornly proceeded with their interrogation of my friends.

The police station was obviously not the place to solve my problems. The policemen's involvement was becoming meaningless. Therefore we left the police station on Chang'an Street and went to the Public Security Bureau of Beijing Municipality, which had obviously been behind this incident.

My Arrest

November weather is very strange; in the afternoon it was a lovely fall day without a trace of chilliness in the air; toward evening, the temperature dropped abruptly. It seemed that a new cold front was about to hit us. We hurried through the chilly wind to the reception room for visiting masses in the Public Security Bureau of Beijing Municipality; we were so cold that our teeth were chattering. I explained to the officer in charge that day the situation and made my request. He replied with a haughty and aloof air that he would telephone the higher authorities in a while. It seemed that his higher-ups were more concerned about us than he; before he could telephone, a call came through to ask about us — obviously the station on Chang'an Street had reported us and our whereabouts to the higher authorities. Then the officer in charge began to pay more attention to us; he came out of his office to the waiting room to chat with us. When we discussed whether the arrest of people and confiscation of the booklets by the Beijing Municipal Public Security Bureau were legal, he gave us his high opinion: As long as it was the public security departments which confiscated things and arrested people, they were done according to law. Obviously, in the mind of this administrator of justice, law is produced by the likes of him. I threatened him teasingly by asking Yang Jing to write down what he had

said, and I told him that I would use his words on the proper occasion. He seemed a little uneasy. But, like the proverbial Chinese common people, full of human feelings and common sense, he said philosophically, "Writing a few essays! Making a few speeches! What's the use of that? At most, you get them published in foreign countries. You can't harm the Public Security Bureau a tiny bit. On the other hand, if you make trouble, that's fifteen years. You should think carefully about fifteen years."

We waited for a long time, cold and hungry. The girl who had accompanied us treated us to nut rolls. We had to let her do it because the rest of us only had enough money between us to buy two packs of cigarettes. This girl was not willing to let the Public Security Bureau know her name; therefore, I am also not going to mention her name here. She was a girl full of a sense of justice and was good in many ways. The reason that she became acquainted with me was that she had been very seriously abused by the politics of the past; she therefore hoped to become involved in discussions with people who were concerned about the nation's fate in order to develop a better political theory.

Those who had telephoned to inquire about us let us wait in the chilly waiting room for at least two hours. There was no doubt that they were also seeking instructions and were in consultation, to figure out how to solve this case and to gather sources advantageous to them. This point was quickly verified for me. A functionary of the "reception room for the visiting masses" who came in late revealed the truth when pressed by us. He said to me, "We are not entirely ignorant of you. You may say that we know certain things about you." I also began to review in my mind the entire situation and my behavior. I had abundant confidence. I felt that my behavior was entirely lawful and that the Public Security Bureau had no way to find legal grounds for its action. If the Public Security Bureau could present certain laws applicable to my case but not yet known to me, I would accept the punishment according to the law. But I was certain that they could not have such laws. The public security departments in China were used to regarding themselves as correct; regarding themselves as exercising the "dictatorship of the proletariat" and legal, they had developed a barbaric operating style. They always ignored considerations of whether they were mistaken or not, always insisting that the others acknowledge their own mistakes, stoop down to form stepping stones for them so that they could come down off the stage honorably. They had perhaps seldom met people like me, who, after being beaten with a lot of fanfare in the name of proletarian leadership, did not choose to hide in a "rat hole," but, instead, came to the door to argue about laws and principles. They would never acknowledge their mistakes to me; they would never confess that their activities were not based on law. Failure to find legal grounds would corner them in an embarrassing situation. Those who had already been spoiled by our society and become autocratic and inconsiderate would definitely become angry from embarrassment and frustration; they would utilize the power in their hands, forget the laws that they should observe, and use "the dictatorship of the proletariat" [for their own purposes].

What strategy should I adopt to confront this situation? After considering over and over again, I decided that I would never retreat before the law. Whether China can realize the rule of law is of course related to whether the legal system can be strengthened; but even more important is that the social psychology of observing laws steadfastly be developed. This kind of social psychology, on the one hand, is the determination of the administrative organs of justice, their seriousness, and their inviolability and, on the other hand — and I consider this

to be the more important of the two — is the courage of the Chinese people in their serious supervision over the administration of justice; wherever there is illegal behavior [the people] should struggle acutely with it. They should not adopt the attitude of leaving it to others as long as one's self interest is not affected. Any one individual will always be weaker in the struggle against the illegal behavior of the almighty organization for the administration of justice; only when the entire society's forces are mobilized can the people be strong. If the society's strength is not mobilized for any cause, each isolated individual will be defeated one by one. Then there will be a gap in the law and every member of the society will become a victim of entrenched, hidden illegal activities. From this perspective, no member of society should turn his back when he sees illegal activities.

Of course, my singlehanded struggle this time might have various consequences. Fortunately I was prepared mentally to face the worst. Individually, I was "a lone star high above, fated to suffer many calamities." Oftentimes I dreamed beautiful dreams, but they came to nought, whereas whenever I suspected bad things, they came immediately. This time it was the same all over again.

When it was almost ten o'clock, four individuals who claimed to be functionaries of the "reception room for visiting masses" finally appeared. Like the policemen in the Chang'an Street Station, they began to question those who had accompanied me one by one and in isolation from the rest of us; but they left me alone, the one who had resolutely come to find them and question and solve problems — they did not pay any attention to me. It was obvious that they expected to get information through the questioning [of the others] that might be advantageous to them, so that they would be better equipped to handle me. I was not afraid of this of course; that is, if your body is erect, you are not worried that your shadow is slanted! However, I could not accept this kind of insult, obvious slighting, and intrigue. The four of us, including Yang Jing, tried to make known to them repeatedly that it was I who wanted to talk to the Public Security Bureau, not they, and that they were only accompanying me and had nothing to do with the case. But they still acted as if they had not heard anything. Finally I could only announce that since the four functionaries were not there to meet with me I'd better be leaving. Only then, did they reluctantly receive me.

The place where we were to talk was a small room in the innermost section of the reception area. As soon as I entered the room, they immediately assumed the "air and posture" of the interrogator. Pointing to a stool in the corner, they said, "Sit down." Then they began shuffling sheets of paper on the desk as if considering the best way to begin the interrogation. In fact, they were fingering blank sheets of paper. After a period of silence they said, "Let's talk about why you have come here."

I described briefly what had happened that afternoon, and I also raised four points: (1) Did I violate a specific law when I mimeographed the transcribed notes from tape recordings of the court proceedings? (2) What laws were violated by those people who helped me sell the booklets? (3) I demanded the return of the booklets to me if the Public Security Bureau had no legal basis for arresting these people and confiscating the booklets; and (4) The immediate release of those people who had been arrested. If the Public Security Bureau had legal grounds then I should be held responsible; the others had nothing to do with it.

Of the four functionaries, the oldest, who called himself Wang, at first avoided my questions; after a moment of silence, he changed his tactics from defense to offense. He said,

"Where did you get the recording tapes? Did you record them yourself, or did someone else help you?"

I told them that how I got hold of the tapes had absolutely no relevance to the question at hand. The Wei Jingsheng case was tried in open court; if somebody recorded the facts as primary source to enable more people to understand the case, this action was not contrary to the original intention of trial in open court. However, because the person who did the taping feared the existing political system and was distrustful of the public security departments, he was not willing to let the Public Security Bureau know his name; it was therefore my duty to keep the secret for his sake. However, if the Public Security Bureau regarded taping criminal behavior, they only needed to tell me which law had been violated, which particular rule was being violated, and to prove to me that all the words were not lies, then I could tell them clearly the sources of the tapes. Concerning illegal behavior, I was willing to fulfill the duty of a citizen to cooperate with the public security and law enforcement departments.

Today, I am more confident than before. I can surely say that the arrests and confiscation made by the Public Security Bureau were entirely without legal justification. I suppose, they were filled with the "unadorned proletarian sentiment and indignation" and therefore they weren't about to be hamstrung by the law. Thus, when I demanded that they state the law to prove that their behavior was legal, they realized that their behavior was not supported by the law; they then had to depend on spontaneous inspiration to fabricate. Please consider their beautiful arguments:

The Court did not ask you to record the proceedings, to mimeograph the transcriptions, to compile booklets. Thus, your recording, mimeographing, and publication of the booklets were violations of the law.

The law did not say specifically that you, Liu Qing, could do such a thing; you have done this, and you are guilty.

If you tell us where the tapes came from, and whose recorder it was, then we will be able to know whether the law was violated. For instance, did the person who gave you the tapes have some problems? Did he have ulterior motives? Was the tape recorder stolen goods or obtained through illegal means?

There were many more such beautiful arguments; I can't list them all here.

When I was face to face with those people who arbitrarily added to or subtracted from the law, I couldn't decide whether I should weep or laugh, and I lost my enthusiasm for arguing with them on points of law. However, it was still as if I were lecturing on the fundamentals of legal common sense to this group of functionaries of this law enforcement unit, to tell them that laws were formulated to regulate human behavior in accordance with the spirit of a fundamental law; that laws only stipulated what is forbidden and the punishments that will follow for the violation of certain laws. The laws do not say what people might do. Without saying it in so many words, the understanding is that whatever is not stipulated by the law is beyond the control of the law; it is within the scope of the people's [freedom] to act. If the things people can do must be stipulated specifically by laws, laws would become so unbelievably stupid that even an idiot would not believe in them. For instance, people have to have meals every day; but there is not anywhere in this world a law code which cleverly stipulates that people have the right to have meals. According to the viewpoint expressed by the four functionaries of the Public Security Bureau of Beijing Municipality, wouldn't the people be violating the law when they had meals?

They said that Wei Jingsheng was a counterrevolutionary and that producing the booklets was doing propaganda work for him. I did not argue much with them on the point of doing propaganda

work for a counterrevolutionary. I only asked them to pay attention [to the fact] that Zhang Zhixin and Guizhou's Ma Mianzhen had all been convicted as counterrevolutionaries and been executed; Yu Luo, who was executed in Beijing, was also found guilty of being a counterrevolutionary.⁴ Some of these people had been rehabilitated in the newspapers with great fanfare, or were in the process of being rehabilitated, and were in the news. I myself knew of four or five newspapers which had already begun to collect biographical materials and write articles on Yu Luo. Please, you faithful tools of the "proletarian dictatorship," go quickly to arrest those who even dare to propagandize in a big way in the newspapers those "counterrevolutionary dead ghosts," who dare to gather the dead souls to cry out against the injustices perpetrated. You must not under any circumstance forget your responsibility!

Most despicable was their saying shamelessly that the tape recorder might be stolen goods or obtained through illegal channels, and that the person who did the recording might be of questionable character. Obviously when they could not find the proper subject they chose minor subjects, and when even minor subjects were wanting, they would find faults in the policeman's style. The results of their behavior were used as the basis for their behavior; it was like "finding bones in an egg." At that time I very sternly queried whether they had any basis for their suspicion; baseless suspicion was an insult. The ability to insult people to their face was typical of those bullies who fall back on other people's prestige and authority. Their own behavior was lawless, but they attempted to pour dirty water over the bodies of other people. This we could never accept.

As I persistently insisted that they reveal their legal grounds, and as I had the attitude that only after they had followed the processes of law could they have authority over me, when they were unable to do so, I greatly aggravated those law-enforcement functionaries. They ignored my numerous protests and dealt with me in the format of a judicial inquiry. They banged on their desks and glared at me; they shouted and threatened — all to force me to identify the owner of the tape recorder and the person who helped with the taping. But I refused to cooperate, saying that if they wanted to interrogate me, they would have to follow legal procedures; they would have to arrest or detain me formally, at the least, there should be a subpoena. Even if these legal procedures were followed, I could only answer relevant questions concerning certain violations of law or crimes, and I would not answer on matters irrelevant to the law. This meant also that even after they followed proper legal procedures, they still had to prove whether the content of their interrogation was relevant to the "criminal statutes" or the formally promulgated government orders, legal decrees, or statutory interpretations before I would answer.

My [right to] refuse to yield to their interrogation was protected by the laws of the People's Republic of China. The rules publicly announced in 1979 which have been in effect since May concerning arrests and detentions clearly specify that arrests, detentions, and subpoenas could be made only through legal procedures and with proper warrants; units and individuals were not allowed to have private courts and illegal trials and punishment. The functionaries of the "reception room for visiting masses" who interrogated without having observed the legal procedures were violating the law. If they thought that what I had done constituted grounds for interrogation, they should fulfill first the legal procedure before being qualified to interrogate. This method of theirs, showing no respect for the law, only demonstrated that they were threatening in appearance but cowardly at heart.

They were quite angry at my answers which emphasized re-

spect for the law. They said menacingly, "As you have come here today, you must answer the questions; if you don't, you can't leave."

I said that since it was a violation of the law to detain a person without legal procedures, I would not bend before illegal behavior. I further called their attention to the fact that I was a visitor and they were the receptionists, their adoption of the method of interrogating me under duress, forcing me to confess, and threatening me with detention was not appropriate to our mutual roles.

Very proudly, and yet caustically and sarcastically, they said, "This is an organ of the dictatorship!"

By this point there was no longer any basis for conversation. Objectively speaking, that things could have developed to such an extent was greatly influenced by the attitudes of the two sides. Shortly after I started to talk to these reception room functionaries, I clearly felt that the Public Security Bureau of the Municipality of Beijing had had no knowledge whatsoever of the content of the booklets; they had had no idea who was selling them, or whether all these were related to Wei Jingsheng, or whether the thoughts expressed were similar [to Wei's]. If they knew about this, I feel that their confiscation of the booklets and act of arresting people were very likely based on certain circumstances which were intentionally or unintentionally revealed in the subsequent interrogations. My guess was basically correct, because the content of the booklet, namely, the taped account of the events in court, had been written into the big-character posters pasted on Democracy Wall nearly half a month before the sale of the booklets took place. The content had already been reported abroad and within China, and it had been widely circulated. So after all, the content was not something new, not worthy of sending an expeditionary force of policemen midst great fanfare. The ridiculous point was that after the expedition of policemen the big-character posters, which had been there for over half a month, which had the same content as the booklets, and which even contained things that the booklet had not included (the booklets only dealt with the first half of the trial) remained intact on Democracy Wall under the protection of the masses. I suppose that after I put up the posters announcing the sale of "The Trial Process of the Wei Jingsheng Case" the Public Security Bureau of Beijing Municipality speculated erroneously twice; (1) The sellers must be of the Exploration group which had the same viewpoint as Wei Jingsheng. (2) The content [of the booklet] was meant to exonerate Wei Jingsheng of his crimes and to dispute the court trial. Therefore they thought they would have no difficulty uncovering the violations after they seized the booklets and arrested the people. Even if they could not find violations, why worry about the inability to dispose of these people? These arrested people could be threatened until they could no longer control their bladders and submit obediently; and these people could only think that they had run into bad luck; this would already be regarded as the extreme kindness of the dictatorship of the proletariat! After they seized the books and arrested the people, they found to be wrong what they had considered to be an impeccable calculation. Then they had to find a pretext to frighten the opposite party so that they could save face and get off the stage.

On the other hand, I in fact started out with a very low opinion of the Public Security Bureau which had been used to frightening people with "the dictatorship of the proletariat." This time I lost my patience when I was aggravated by their acts of seizing the booklets and arresting the people, and by their crude, cheap, thick-skinned, and cruel attitudes. I of course would not bend my knee just because they were in an embarrassing situa-

tion; nor just because of their angry appearance would I give those uncivilized individuals an opportunity to save face so as to preserve their respectability. It was they who did not know the circumstances, who did not care about right or wrong, and who desperately needed to show off their contributions and thus jumped onto the stage to put on an act; they should get off the stage when their act flopped. Did I have to show mercy to those judicial functionaries who had not followed the law in their work? Or was it because China had not suffered enough harm? On this, every Chinese should be alert and argue and struggle on every point; only when we resist resolutely can illegal incidents like this be reduced. If we are weak, afraid, and on the lookout for a moment's ease or security, then we are offering opportunities for illegal behavior.

These several functionaries saw that they could not find out [from me] what they needed, and they left the room — most likely they went to telephone the higher authorities, to seek instructions, to report, and to suggest measures.

During that interval, into the room walked a person who had a yellow padded jacket across his shoulders. He looked like a functionary and to be in his forties. As soon as he entered, he was most agitated and his face was flushed. He shouted at me, "Liu Qing, this is an organ of dictatorship. It's easy to come in, but difficult to walk out from here. Don't think you are so extraordinary! We have plenty of measures to dispose of you, this small individual Liu Qing. You must answer our questions, or give up hope of leaving."

I looked him in the face and said, "May I know your name?"

He shouted, "None of your business!"

I told him that if he already knew my status and name, that if he wanted to talk to me he must let me know his status and name. I would not talk to a person who was so obscure to me; since he did not tell me his status and name, I refused to talk to him. I asked him not to shout at me.

With his strength and voice exhausted and with his saliva spraying all around, he said, "Do you know what place this is? Do you know what place this is? This is an office of dictatorship. You'd better not be so clever! Liu Qing, you are not special! What's so special about you? Don't think that we have no way to take care of you; we have ways — Dare you say Wei Jingsheng is not a counterrevolutionary? Dare you cry injustice for Wei Jingsheng? Do you dare? Do you dare?"

How could I say anything under those circumstances? I thought I had by mistake walked into Anding [mental] Hospital. I asked Mr. Wang, who seemed to be the leader of the four, to consider that the agitated state of this functionary might not be beneficial to the solution of the problem. Mr. Wang did not think so; he said, "This is an organ of dictatorship." I rested my head on the desk and began dozing while the room was full of shouts from this agitated [functionary]. After shouting for about fifteen minutes, his face turned purple, and white foam appeared at his mouth. In the middle of shouting a sentence, he suddenly stopped and rushed out of the room.

It was about midnight when Yang Jing and the rest came to me and said, "Let's go home now." I began to leave but was blocked by the functionaries of the reception room for visiting masses. This was the beginning of my life of imprisonment for [allegedly] having violated the law.

The Beijing Detention House

The cold front had indeed arrived. It was frigid that night. I had on only a sweater and almost froze to death. They dispatched two policemen in overcoats to watch over me. The second day I declared that detention without proper legal procedures was like kidnapping, and I went on a hunger strike to

protest. At noon, a man in his forties came. He was accompanied by a young woman in her twenties and the man with glasses who took notes the night before. He sat across from me and stared at me, and I curled up in the chair motionless. After a couple of minutes, with deliberation he asked my name. After a while, he said it had been decided that I was to be detained. I stirred a bit in the chair and asked, "The reason?" At this moment he suddenly jumped up and shouted, "Stand up! Listen to me as I announce the legal action against you!" He took out a piece of paper and read it to me. I asked to see the paper, and found it to be a piece of newsprint paper, on which words were mimeographed in black ink. My name was filled in at the space after "decision to detain"; the reason for detention was violation of social order and control; the duration of detention was fifteen days. I handed back that piece of paper without saying a word. He seemed to be waiting for my reaction. I needed to search my brain for all the legal knowledge I had, to consider carefully, and to deduce. Thus I did not have any reaction. He motioned to the other two people who had come with him and said, "Take him away."

We got into a very elegant sedan; I was flanked by a policeman and the man with glasses. I said to the one with glasses: Give me paper and pen. I want to charge the Public Security Bureau with oppression because of this trumped-up charge, according to the authority given to me by the law. Glasses sat motionless like a log.

In front of the iron gate of the Beijing Municipal Detention House, the young woman ran to and fro busily for a least twenty minutes before the automobile was allowed to squeeze through the gate like a woman in difficult labor. Once inside the gate, there was another wait of more than an hour; even the driver of the car went into the building to sit near the fire to get warm. I was then called into the building to go through the customary frisking and to be registered. Afterward a young policeman very casually led me to my cell. When he walked through the door, he said to the policeman in charge of registration, "Let's find some bedding here and send it over. I am afraid that they might not accept him in the building. This is a temporary detention, let's make an exception!"

The first guard I met was named Hao. He was as good a person as his name [The Chinese word "good" is also pronounced hao]; he was very friendly. He said to me, "Our job is to hold you here; we are not concerned with the details of your case. You have to obey the rules here. We are not treating you like the criminal convicts in the cell blocks. We won't force you to shave your head." This turned out to be quite true; I kept my hair long. They sent for a barber from the outside to give me a haircut.

In the very first moment I already doubted the authenticity of that piece of paper which announced my detention. After I heard and saw all these things, I concluded that the detention document shown me was a fabrication. The Beijing Municipal Public Security Bureau was engaged in deceitful illegal activity; by resorting to frightening me, they hoped to save their own hides. In this incident, the Beijing Municipal Public Security Bureau in its first step had boarded the "ship of illegality"; it seemed that in order to save face, they had to push on through and complete the voyage.

Later, during my long and isolated detention, I learned from what the guards said that my first momentary doubt was completely justified. When I expressed my doubt to the chief guard and policeman of Block Six and asked him to verify it, he said, I don't know if your detention procedures were warranted or not (He of course knew). I accepted you only after the front gate had processed you. As long as the [office] at the front gate completes the procedures, I accept the person. If you are

doubtful I can convey your doubts to the higher authorities for an answer.

When chief guard Old Wu of Block Six forced me to obey the

A nation that tolerates injustice is doomed. China is not such a nation. Even in the darkest of times, it has not lacked sons who were self-sacrificing and outspoken.

humiliating rules of the detention house, I protested, "I am not a criminal serving a sentence. It's illegal for the Beijing Municipal Public Security Bureau to put me in detention. They have not followed the proper procedures in arresting me; nor have they followed the proper procedures in detaining me -- " He said, "Your situation is quite clear to us. We have repeatedly made it known to our superiors. You have said that you are realistic; you'd better be patient and wait for a solution -- "

A young guard in Block Six named Wang was even more revealing in his words. He said right in front of those detained in cell no. 9 of Block Six: "It is not always without exception that we do things according to the law. There are always exceptions. When the chief of the Public Security Bureau, the mayor of Beijing Municipality, secretaries, standing committee members give the order, even if there is no proper procedure, we have to lock people up."

Later I found proof from people with experience that the piece of paper that was shown me as the detention document was not genuine. This was irrefutable proof that the Public Security Bureau played "tricks"! All formal detention documents were printed on bond paper, not mimeographed on newsprint, which anybody could manage to produce. The mimeographed newsprint detention paper was reportedly one kind of certification that the Public Security Bureau employed within its own organization. It had no meaning whatsoever outside. Even if the detention ticket were printed on bond paper, it became effective only when it had the official seal of the judicial units that authorized the detention. The paper that was shown to me had no official seal. A detention document should be signed or initialed by the detainee; but that piece of paper had already had my name on it before it was shown to me; I was not allowed to sign my name. Finally, the detainee should get a copy of the detention document, but I was not given one.

As for the reasons of detention, they now ranged from the absurd to the shameless. The punitive rules for the control of social order had become the most efficient and indiscriminate weapon of the Public Security Bureau. When I was a child, I read an illustrated edition of "Regulations Governing Penalties Pertaining to the Maintenance of Social Order." According to what I could remember, I had not violated any single item listed in it. However, memory could always be doubted. I could not say for sure that I had not violated any rules. Therefore I sought enlightenment many times from interrogators, recorders, and guards and asked them to tell me which concrete rules I had violated. Those being asked were either embarrassed, tried to avoid the questions by talking about other irrelevant things, or were plainly startled and tongue-tied to the point of being speechless.

Later, I carefully read the "Regulations Governing Penalties Pertaining to the Maintenance of Social Order" promulgated in 1980. Among the regulations there was only one item that touches upon the sale of books and periodicals: "It is forbidden to sell the reactionary, yellow [pornographic] or obscene books,

periodicals, and pictures which have been banned." Obviously, the mimeographed booklets could not be classified as obscene or yellow. Furthermore, one could perhaps not characterize the trial process of Wei Jingsheng at the Intermediate Court as reactionary! In addition, I was the first mimeographer. The booklets had not yet had the good fortune of wearing the label "banned." Therefore, according to the new public trial "regulations," I have not violated a single regulation.

The logic of the first interrogator was interesting. I ignored his irrelevant remarks but persisted in asking him which particular item in the "regulations" that I had violated, and therefore what was the justification for detention. He would not answer for a long time. Finally he said to me abruptly, "When you have made mistakes, simply acknowledge them. Why should you be so stubborn? Being stubborn will not bring anything good to you. We don't want to lock you up for one day or even for one minute. It depends on your own attitude."

Being detained or not, or, according to the words of the interrogator, being locked up or not, should be a question of law; what connection does it have with attitude? Can it mean that those who should be detained according to law can avoid detention because they show a good attitude? Can it mean that those who had no reason to be detained can be detained if they cannot satisfy the Public Security Bureau — that is, when they do not want to lie? If we followed this principle, how should we treat those who should be beheaded but whose attitudes are very satisfactory to the Public Security Bureau? Should we release them? I am a firm believer in administration according to law. We can never agree to this method of "regarding officials as the law," which has already brought great calamity to our Chinese nation. Therefore, I did not respond to the interrogator's suggestion; on the contrary, I asked him point blank, "What mistakes have I committed? What is the relationship between my mistake and the law?"

"Wei Jingsheng was pronounced a counterrevolutionary by court. Your selling the pamphlets was doing propaganda work for him. This was a serious mistake."

I laughed, "What I sold was the taped record of the actual proceedings of the trial of Wei Jingsheng in court. I did not add any of my own personal opinion. If you think this content is doing propaganda work for the counterrevolution, are you not saying that the court proceedings were also propaganda activities for the counterrevolution?"

His face turned red. He shouted loudly, "Rubbish! You are defiling the court, you are defiling the legal institutions!"

"Do you accept logic?" I asked him.

The interrogation could not continue.

As to the problem of which rules were the concrete justification for my detention, the Public Security Bureau from the beginning to the end was like the "invited" big Russian soldier in Afghanistan; no matter how hard they tried, they could not explain clearly the reasons behind the "invitation"; likewise, they could not state clearly which regulation was involved, no matter how hard they tried. I trust, when this letter of accusation is published in society, if the Public Security Bureau still dares to retain some interest in this case, it will still be like the big Russian soldier unable to speak out clearly.

At first, I was detained in cell no. 2 of Block 12 in Building "K." I was the only person locked up in this room of about fifteen square meters. The room was at the end of the corridor and was always cold. I had to bundle myself up in the cotton quilt and curl up in a corner. For a period of time, the joint in my left foot was painful, and I had to grit my teeth whenever I took a step.

However, among the guards there were several who were full of human feelings. The first one was Old Hao, whom I mentioned earlier. He had the simple and loyal face of the North

China peasant; if he were not seen in the prison one would never have guessed that he was doing this cruel work of a prison guard, whose job include work like beating Premier Zhou's goddaughter Sun Weishi to death. Several times he said to me that I was different from the other detainees and therefore he treated me differently. It was also he who told me first that all the detainees had to have their heads shaved, and that only I could keep my hair. Several times he hired a barber to take care of my hair. He often opened up the cell door and chatted with me and helped me while away the lonely hours. At mealtime, if he was on duty, he would always come over to test the temperature of the rice. If the rice was cold, he would ask "the cell with labor duty" to heat it up. If I needed a nail-clipper or needle and thread, I had only to knock on the viewing board on the door, and he would come immediately; and he was also pleasant and willing when he gave out things to me. I was not treated like those in other cells, who would have to hold on to the viewing board and beg for hours.

There was another guard named Wang. He wore a pair of glasses because he was near-sighted. Later someone told me that he was the deputy director of the detention house — I could not believe this without difficulty. He was a kind man and he treated people gently. Whenever mealtime or hot water time came around, if only he was on duty, he would always open up the cell doors before the rice or water got cold. Sometimes he was so quick that before I could get up from my bedding on the floor he would help bring in my water and rice and put them on my bedding without any air of superiority. He and I had an interesting conversation. After the newspapers had printed the news that Fu Yuehua⁵ had been sentenced to two years in prison for disturbing peace and social order, he came to talk to me and asked for my viewpoint. I said that the court's ruling could not make the people convinced and happy. The Constitution allowed people to demonstrate. Demonstrations in urban areas unavoidably attracted spectators and created some congestion.

There was no rule regulating demonstrations; in those days there were no rules stipulating that demonstrators must follow the directions of the traffic police and march along designated routes. So, how could you say that Fu Yuehua had violated the law? Wasn't that tantamount to utilizing the "Rules for the Regulation of Social Order" to dismantle the people's right to demonstrate given by the Constitution? I said I had difficulty understanding the ruling and asked him to enlighten me. I said that since he had been in the field of law enforcement for many years, he could certainly get rid of the doubts in my mind. He told me that his understanding was the same as that of the newspapers, and that the newspapers had said what they wanted to say. I questioned him laughingly, "Aside from those things in the newspapers, does your own brain produce anything at all?" He pushed me back into my cell.

There was another guard... who to this day is still a puzzle to me. He was Liu Jingyu whom I mentioned earlier. When I arrived in Block Twelve, he was chief guard there. When I was transferred to Block Two, he was also transferred to be chief guard of Block Two. He talked freely and frankly; sometimes he showed that his thoughts were quite liberated. But later I heard from Kuai Dafu's No. 2 man (whose name I have forgotten) that this was a working arrangement to gain the confidence of the detainees. In sum, he was more sophisticated and had a certain level of understanding and debating ability. The first time he came to talk to me, we debated the difference between supplying information and leaking secrets, and I defeated him. At the end of March or in early April, I became very angry in a clash with him; I attacked the illegal actions of the Beijing Municipal Public Security Bureau and the detention house. In that instant his face changed color, turning very

blue and white; but he could still say in a reasonable way: "It's useless for you to scold us. I agree that locking you up here is not legal. On this matter I have talked to my superiors. The higher authorities haven't solved this problem, and I don't have a solution either. I cannot just open the door and let you go. The moment you escape, I'll be living in this room." However, his statement did not accord with the law. The detention house should refuse completely to accept anybody who had not gone through the legal procedures according to the law; accepting means adopting a cooperative attitude toward illegal actions. Of course I could sympathize with their unspeakable difficulty; holding a small rice bowl, how could they dare bump against a huge rock — authority. Still, in the distribution of daily necessities — laundry detergent, tooth powder, soap, toilet paper, things to wash face and brush teeth with — he was always generous; he was not like the others that came later, who were invariably quite stingy.

Of all the blocks in the detention house, Block Two was unusual. It was said that guards in Block Two did not have to stealthily watch over the situation in the cell through the slits behind the small mirror on the viewing board; they supervised by means of [close circuit] television. But from the beginning to the end I could not prove this. I only knew that when I touched the windows with my hands the guards would know immediately. It could be an alarm system. The doors were opened by the guards in the duty office by pushing an electric button, which made a very loud noise that often startled people. Guards in the duty office could talk directly with any one of the detained persons because microphones had been installed. If one needed to call the guards, one only had to push the electric button on the door. The radiators and lights were not installed in the rooms as in the other blocks; instead, they were recessed in the wall and covered with heavy iron grates. The lights burned twenty-four hours a day, and the degree of brightness could be regulated. Sometimes the lights were so bright that they hurt the eyes, and other times they were so dim that we could not read a newspaper. I saw on the wall of cell No. 4 in

answer my message. Later I heard from Wei Rongling that Chen had become quite pessimistic about the democratic movement. We did meet successfully twice when we were getting our meals, and we greeted each other anew. The guards probably discovered this secret right away because Chen Lü was abruptly transferred.

In Block Twelve and Block Two I was always kept in solitary confinement. The time stretched to nearly five months. When I was in Block Twelve, a young guard asked me if I was bored and if I would like to have somebody moved into my room to keep me company. I of course did not object. He said he would talk to his superiors. The next time we saw each other, he said nothing but gestured with his two hands to indicate hopelessness. Solitary confinement was a violation of rules even when it was applied to legally sentenced criminals. In 1979, the chief of the Public Security Bureau, Zhao Cangbi, had promulgated a document which clearly stipulated that solitary confinement was not allowed. This is minimal humaneness. Solitary confinement seriously impairs the physical and mental health of the detained person. It is an unnecessarily inhuman and cruel action.

For a while I was confined together with Hung Tao. His name was mentioned in court during the trial of the "Gang of Four"; in the last stage of the Cultural Revolution he had seized some one hundred boxes of documents from the United Front Department. He had been put in solitary confinement for eight years; later he underwent labor education for three years. After his release, and before he was home for a week, he was again arrested and imprisoned there for almost two years. Although it had been five years since his solitary confinement, he still could not speak clearly. His tongue was stiff, and speaking tired him very much. The mental injury was even more apparent. He told me that when he was in solitary confinement his guards tried to murder him and gave him poisonous drugs containing arsenic. He tried to keep some, hoping that after his release he could accuse them. The most dreadful thing, according to him, was that the prison authorities installed in his cell a high power electronic instrument which could control his thought, induce him to think in the direction of the evidence needed by the authorities, and record his thoughts for use the next day in his interrogation. He said that [they were using] this instrument incessantly trying to induce him to commit suicide. When he was not talking about those things, his thinking was as normal as could be.

His mental state reminded me of an old friend, Guo Lusheng, who some ten years earlier had exercised a certain influence on the nation's youth because of his poem "Trust the Future." Because Lusheng had been imprisoned for a long time, his thinking could be controlled completely by others. From this dreadful mental state, he became afflicted with schizophrenia. Although Lusheng was cured, others could always notice some abnormality. Several days after Wei Jingsheng was sentenced, Lusheng's schizophrenia became active again, and he was sent to Anding Hospital. He was very close to Wei Jingsheng; they lived together; they were schoolmates in elementary school.

Wang Rofei's wife said that after Wang had undergone solitary confinement his personality became very peculiar and he was very quiet. His two eyes would stare motionlessly. The French writer Nu-le Fan-erh-ne describes in his work Holy Island a person who had been exiled alone on a deserted island for eighteen years. This person completely lost his thinking and human practices and reverted to a beastly state.

My time in solitary confinement was relatively brief, and I was of course not affected to such a degree. But it was not without any impact. One day I noticed on the cotton blanket under my body large patches of tangled hair. I went to have a look in the small mirror on the viewing board and discovered

If the transcript of Wei Jingsheng's trial is counterrevolutionary propaganda, then were not the courtroom proceedings counterrevolutionary?

Block Two the angry words written by Wang Zhenxiang, an overseas Chinese from California, who had marched with Fu Yuehua and was seized in January without proper procedures. I could more or less make out all the words left [on the walls] by those who had been seized in the "April Fifth" incident. I later learned that No. 4 was the cell of Li Dunbai, who had stood on Tiananmen together with Chairman Mao to review the Red Guards and who was later seized by the Secret Service. Later I was transferred to cell No. 10. The next cell, No. 11, was occupied by Kuai Dafu. Diagonally across the hall from me in cell No. 8 lived Sun Pengyi, who was the second person to sign the "First Marxist-Leninist Big-Character Poster." Lastly, I discovered that opposite me across the corridor lived Chen Lü, who was responsible for the organizational work of the Human Rights League.⁶ From his conversation with the guards I began to understand that he had been forcibly "invited" by two plainclothes policeman. I wrote on the wall by the toilet the following message: "[To] Tianjing No. 2: No. 76 sends you regards. Victory depends on seeking the truth without slacking off." (No. 2 was the coordinating center of the Human Rights League, and 76 was the number of my house.) He did not an-

that my forehead had extended to the top of my head. The dampness and chilliness in the cell and my crouching in a corner for long periods of time might have been the reason that my left foot was swollen, aching, and numb. I was quite nearsighted to begin with; now my eyesight deteriorated even more rapidly. I began to talk to myself; sometimes I carried on agitated debates with an imaginary opponent. Also, I recalled some formulas in mathematics, physics, and chemistry and tried to

deduce and drew many lines on the wall. I hope you will not laugh at me — I missed my mother very much. I thought of the sadness that was brought to her old age and was extremely sorrowful. In April, through the broken window in the men's room, surrounded by high walls and electric wire fences, I saw a small blade of green leaf of devil's ginger pushing up through the black dirt. Such green color! It dazzled my eyes. I felt a strong urge, the strong desire to be under the blue sky.

Part II: My Interrogation

I must have known that my strong desire [for freedom] was in vain because the interrogator and his superiors that directed him might not agree. Or they would not let a legally free person return to the free world of the blue sky. They wanted the oppressed to acknowledge their guilt so as to prove that their own illegal behavior was legal and correct. In the depth of their heart, they possibly still hoped that the individual whose knees had been bent by them would not, while under their control, have the courage to expose them; thus the unreasonably and illegally produced emptiness and timidity would be given a sense of security and guarantee. I had no way to bend my knees because I knew I could not substitute the nature's blue sky with the blue sky in my heart. Therefore, from the beginning, I was always attempting to defeat the interrogators' efforts. The interrogators and I were locked in a protracted struggle of intelligence, knowledge, and will.

The first interrogator only questioned me once. He did not show his face again. He might possibly have been aware of his confusion in logic, or maybe it was because he had shown some feelings which interrogators are not supposed to show. When I pointed out that his logic was muddled, his face reddened. In sum, he was "gone like the yellow crane and never heard of again."

The second interrogator had a head of white hair. He was over sixty. He had a good memory and liked to brag about himself. He said to me repeatedly — altogether dozens of times — that he had been nurtured by the Party for many decades, that he was among the first group to suffer the criminal acts of Lin Biao and the "Gang of Four." How should I have treated him? First, the Public Security Bureau seized the booklets, and then it illegally detained people. These interrogators could not speak clearly, but in their heads they actually had unfathomable plans. How could I squeeze out a smile to please their cold asses? How I was treated by them would determine my attitude toward them. Whether he had been a member of the "Gang of Four" made no difference.

Perhaps this interrogator had truly glistening capital. I noticed that the stenographers were absolutely respectful in front of him, especially a male stenographer in his forties in a military great coat. When he poured tea for the interrogator, his body was erect, and he used both hands to offer the tea. In another interrogation, when I pushed open the door to the interrogation room, I saw a young woman in her twenties sitting next to him. She was talking to him with a coy and pleasing expression on her face. By chance I overheard a conversation between a stenographer and another person that they had come by car from the Public Security Bureau to interrogate me.

However, whether it was the first interrogator or the second interrogator, both seemed vulnerable in my presence. I was always full of reason and held my ground; I either refused to answer or spoke very magnanimously and full of emotion. I always grasped the word "law," whereas they always failed to produce the justification in law. It stood to reason that they had no power to criticize me.

The second interrogator began my interrogation in the fol-

lowing manner: After I was seated, he looked at me for a while and then asked me in a very concerned tone of voice if I were nearsighted. I politely answered. Politeness could be easily interpreted as lack of interest. He remained silent and leafed through the stack of papers in front of him; then he asked, "Whose tape recorder was it? Who helped you tape?"

This question immediately plunged us into a heated argument. Sadly this person who claimed to have been nurtured by the Party for several decades did not show any more legal understanding than the functionaries in the reception room for visiting masses in the Beijing Public Security Bureau. He shared the same terrible traits with them; they all considered the sense of right or wrong in their mind to be law, and they did not respect or cite the concisely and scientifically written laws. This kind of substitution is not allowed in law. But in this situation being merely indignant would be useless, because this is the common disease of the society we lived in. The Chinese people perhaps will have to pay a great price before they can make in their mind the distinction between one's own sense of right or law and the written law.

We cannot blame the public for this situation because it is the accretion of layers of history and the result of contemporary Chinese social and cultural conditions. But judicial functionaries are not free from our criticism. They all have attained a certain level of culture, and most of them have had specialized legal training; their work is applying the law, and they should be able to distinguish the boundary between law and non-law. Their blurring of the boundary makes them suspect as "fishing in troubled waters." I presented an even stronger viewpoint to this white-haired interrogator. I said that it was possible to have an interrogation and I would submit to interrogation based on legal procedures; they should prove to me that they had fulfilled the required legal procedure; the content of the interrogation could not be arbitrary and without limit; it could only be relevant to the stipulated content of the criminal law or other laws in force. Therefore, the interrogator should have told me what behavior on my part had breached and violated which specific laws, in which case I would be tell them everything from beginning to end. If they could not point out which behavior of mine had breached or violated certain concrete points of the law, and at the same time failed to fulfill legal procedures, then I would regard my interrogation as an act of oppression.

The white-haired interrogator told me that they were detaining me for investigation; as a matter of course the reasons and conclusions would be known once the investigation was completed.

I said that detention for the purpose of investigation could not be groundless; what act of mine, what cases had arisen in the past, what doubts had been generated, what grounds for suspicion were there? If they did not want to leak the secret, they could just give me a general idea. They could not simply be unable to say anything and yet be dressed up like interrogators. I could not accept "the wish of the superior officers" as the reason for detention and investigation.

After two days he declared to me the legal basis for my detention and interrogation. It was a decision on news reporting decreed by the Government Administration Council in 1949. The content of the decree was more or less as follows: All important news — the organization of the government, government announcements, national affairs, international relations, war, major construction items, important discoveries of mineral deposits — including the right to report on important news of national significance, belonged to the New China News Agency. Any other newspapers and periodicals which were not authorized by the Government Administration Council could not publish privately. The interrogator said that the Wei Jingsheng case was a case of national significance and that my mimeographed booklets were in violation of this stipulation.

Although somewhat belated, it could still be regarded as delightful progress that after having detained me for nearly ten days the Beijing Public Security Bureau could actually find a written rule to prove the correctness of my detention. They no longer had the superstition that as long as their behavior was in agreement with the interest of "the dictatorship of the proletariat" it was lawful; now they had to find something in the written rules to prove their legality. The question now was whether this government decree was applicable to me. My answer was "No!"

News⁷ means the earliest reporting of a new event. If it had been reported for a long time, it no longer remains news. Wei Jingsheng was tried on October 16 [1979] by the Intermediate Court at Beijing. On the seventeenth, the story was printed in Beijing Daily. All other newspapers also reprinted the story. Even the important international newspapers and various news agencies reported the story. They featured this story prominently, just as Xia Yan said at the Fourth Writers' Congress, "more so than that important speech by Ye Jianying." Foreigners were not stingy with ink, paper, and time in following the story and reporting it. In fact, in China, this story was being followed and reported too. Only after the story was reported with such fanfare, and nearly one month after Wei Jingsheng's first trial and several days after his second trial, did I sell the booklets, on November 11, 1979. Anyone with common sense would see that this was no longer news, and perhaps it did not even qualify as "old news." The ruling on news-reporting by the Government Administration Council in 1949 gave the right to report on important news only to the New China News Agency. But the first one to report on the Wei Jingsheng case was Beijing Daily. People's Daily and other newspapers and periodicals only reprinted the story from Beijing Daily. Clearly NCNA itself had not regarded the Wei case to be of such significance as to exercise its exclusive right to report. Therefore it did not follow the story; nor did it report on it. Beijing Daily did not regard reporting the news as a violation of regulations, and it proceeded with its news gathering and reporting. Therefore, if we are to talk about violation of rules, we should consider Beijing Daily first, and we should suspect NCNA as failing to fulfill its responsibility. I am afraid that Beijing Daily and NCNA would not bring themselves to agree with the interpretation of rules by the Public Security Bureau!

The laws of the nation seem to be an affront to the Public Security Bureau. Concerning the levels of court at which cases should be tried, there is this rule: particularly important cases of national significance should be tried by the Supreme Court; important cases of national or regional significance should be tried by the higher courts; those criminal or counterrevolutionary cases that could result in sentences of five or more years, or even in the death penalty, should be tried by the intermediate courts. Wei Jingsheng was tried by

the Intermediate Court of Beijing Municipality; thus his case belonged to the ordinary group; it was not a case of national significance which only the New China News Agency had the right to report.

[There is this saying:] If you intend to convict someone, you will have no trouble finding justifications. If you want to use certain "justifications" to convict someone, you'd better consider your justifications carefully; otherwise, when others do a little thinking, they can show that your justifications are full of holes, and the intent of the user of the justifications becomes suspect. Isn't this the case when the outcome proves to be different from the original intent? You want glory, but all you get is notoriety. I think that in cases where justifications are improperly cited, the users of such justifications are different from those who are unreasoning and cruel, just as under the pen of Lu Xun bed bugs are different from mosquitoes. The first makes some noise beforehand in announcing an exalted theory to prove that their stings are correct and that the victims are bad and deserving of such stings. The other is noiseless; they simply jump on you ferociously and take a big bite. I was turning this thought over in my mind: The Beijing Municipal Public Security Bureau was too hasty; they were so anxious to defeat me and to force me to bend my knees that they did not wait to consider whether their justifications were sufficient and correct; they just wanted something that, on first glance, seemed reasonable.

I should have sneered at this type of legal justification. But I still pointed out to them that this rule was not applicable to me. Probably the interrogator himself was not very convinced so he did not insist on his justifications. Instead, he was aggravated and said to me: "It is impossible for you not to answer our questions! I tell you, no matter where you are and how long it takes, unless you're dead you must answer."

Here, it was not according to law that I should accede to interrogation; instead, it was according to authority; I was coerced into answering.

After still more arguments, his words became even more

The interrogators and I were locked in a protracted struggle of wit and will.

frank; they could be called an "ultimatum." He said, "Even if you had not committed a crime, you are not permitted to show such an attitude toward us; you are not allowed to refuse to answer the questions. I can tell you, we have many different ways to take care of you. We can tell society publicly what kind of person you are. You are not an entirely pure and blameless person! Didn't the foreigners have some interest in you? We can also tell the foreigners what kind of person you are. We can dispose of you even by following the precedents of the old days by following the unwritten rules that have been followed according to the policies controlled by the inside, and by following the old customs. We can also detain you interminably. You may be detained for as long as you want, I'll tell you, the "Criminal Code" will become effective only in 1980; now it's only 1979; we are still taking care of cases as we did before."

This was letting me know directly that their behavior didn't have to accord with the law as long as it accorded with their will. Moreover, they openly threatened me many times. The white-haired interrogator had already hinted his threats many times a few days earlier; I pretended to be dumb and uncomprehending, and I would not respond. His threat contained two main points: (1) I concealed my true age when I entered college and altered my personal vitae. (2) The sick-leave slip I handed in to the unit was filled out in part by myself.

It was not news that the Public Security Bureau used such techniques. After Ren Wanting,⁸ Wei Jingsheng, Fu Yuehua, and others were arrested, there was broadly circulated in society news reportedly coming from the Public Security Bureau to the effect that so and so had been a member of a counter-revolutionary group, had crossed the national boundary many times in secrecy, had surrendered to the enemies and betrayed his own country; so and so had received large quantities of money from Taiwan and Western countries, had given out national secrets, had been involved in subversive activities; so and so had had an improper lifestyle, had sneaked into a foreign embassy at midnight to engage in prostitution. However, by observing the trial and sentencing of Wei Jingsheng and Fu Yuehua I already knew that these groundless rumors were believable to a considerable extent.

Now that I was detained, without this reminder from the interrogator I could also anticipate the possibility of groundless rumors about me surfacing. His words only made me suspect that they had already taken this measure. Their recourse to the measures of destroying a person's reputation in secret only proves that they had no truth or law in their hands, that they could not gain victory according to the proper and legal means, that they could only depend on things outside of law and truth, that they spread groundless rumors to defame people's character. I believe their method can only cause anger but not fear in persons who are after truth and are dedicated to the national enterprise. Everybody is prone to mistakes. Who says that only a perfect person is qualified to be concerned about society and people, that only "those who are not pure and faultless" will be "looked after" by others? That the Public Security Bureau wanted to use different and various measures to cope with me only proves that in order to maintain its own dignity it would not be scrupulous in its choice of means to teach "a lesson" to those over whom it had no lawful control and who would not bend their knees in front of its "overpowering" authority.

I should make a choice when faced with such clearly stated words of the interrogator. That I came in search of the Public Security Bureau was because I was angry at the moment; but anger was not the main factor. Mainly, I came to reason with them according to law; if I was wrong, I would be responsible; there should not be any difficulty imposed upon innocent people. If the Public Security Bureau was wrong; then I would want to have my things back and have the people released. Now, what I had thought before became castles in the air; within this judicial organ, there was no way to talk about reason! Therefore I have now placed the hope for the solution of the problem with society; I want people to know as quickly as possible the truth of the facts, to mobilize the forces of society to criticize and forbid this lawless behavior. We cannot let the Public Security Bureau think that it can do whatever it wants and that society will show no sign of indignation. I am the one in possession of the primary materials, and I should return to society as quickly as possible.

The first interrogator had said, "We don't want to detain you for one day or for a minute; it depends on your attitude!" Liu Jingyu, chief guard of Block Twelve had also said, "If your attitude is not calm, the problem will never get solved. Can't you be calm and get the problem solved as quickly as possible? I hope you'll leave quickly and vacate that little cell." When Liu Jingyu was thus speaking, a policeman came in. Through the open door I saw hiding behind the door eavesdropping the one with glasses who had guarded me on the way up here; now he was trying to hide. I immediately called this to Liu Jingyu's attention. Liu Jingyu said, "If he wants to eavesdrop, let him. He has nothing to do with our conversation. I talk to you because I have found you too agitated, not because somebody wants

me to talk to you." Isn't this like the sign that states "Three hundred ounces of silver are not buried here," precisely indicating that this conversation was somebody else's idea. And the second interrogator had said, "We don't want to lock you up; but you must clarify two problems: Where do the tapes come from? And you must speak the truth, for instance, when we ask about your age and personal vitae. We cannot allow you to tell lies in public and cheat in broad daylight. Do you want to play tricks on us? After you speak the truth, you will walk out of here, and we'll not bother you as long as you stay away from us; if you fall into our hands again, we'll decide what to do later."

From these words we can see that they were very anxious to solve this problem which had become difficult to handle. It was also possible that my friends had not forgotten me and had created that situation. Of course I did not believe them completely. For example, I don't think it was true that they were only interested in two questions; their purpose was to ply open my bite, to open up the gap so as to facilitate the capture. It had not been easy for them to capture a big fish; how could they easily let it go? Furthermore, they knew those problems more clearly than I; aside from the fact that my oral acknowledgement would give them some psychological satisfaction, there was no true significance. Obviously, their main purpose was to press me down to "meek obedience"; in the course of doing so, if they could grab something for themselves, they certainly would grab. If they could make me meek and obedient, to them, this would be a great victory. They could then use me as their political capital in their advertising. Even if they had not advertised the case, the many acquaintances of the person being released from prison would see the broken spirit, the hopeless view on life, and the lack of will to fight back; the released person himself would be the best advertisement.

When I decided to return to society as quickly as possible, after I had analyzed their psychology and the actual situation, I decided to forsake the kind of fierce and tit-for-tat type of behavior of not yielding one single inch. I no longer insisted that they state first the legal justifications for their action and carry out reliable and proper legal procedures. Namely, I no longer insisted that they have the legal status of interrogator and that they put me in the position of the defender according to legal procedures before I would answer any question and accede to the interrogation. Now I adopted the form of un verbalized acquiescence, and I answered certain questions. Of course this decision was resented by people; but it was necessary and I had no other way.

I had two reasons for my decision to compromise up to a point. From the questions asked by the interrogators I was convinced that among our small unofficial periodicals there were "secret agents" and traitors. It was certain that the Public Security Bureau had bugged certain places where we carried out our activities, because the interrogators could cite a good deal of the content of our conversations — to the extent they could repeat the conversations verbatim without a single mistake. In order to demonstrate that he was totally correct in repeating the conversations, [the interrogator] even mimicked the tone of the voices. The Public Security Bureau also brought out a large number of photographs of people for me to identify. The people were mostly members of April Fifth Forum or those who were closely connected with it. The pictures were taken when we were relaxing in public places. It was certain that these photographs were taken by cameras equipped with telescopic lenses. No doubt we were being closely watched by the Public Security Bureau. The interrogator did not conceal this fact. Once he very proudly announced, "I can tell you, we are not without any knowledge of you people."

This indictment under detention caused me to make a comparison between the socialist democracy of China and the democracy of capitalist America. Nixon had been publicly recognized as an able and effective president in America as well as in the world; because of Watergate and bugging, he had to vacate the presidential office and go hide alone in San Clemente. The American people would not suffer the invasion of privacy even to sustain the effectiveness of a president. If Nixon had not resigned, he would have been impeached. This would have caused a great political storm, weakened the government, and therefore been harmful to the immediate future of the United States. But the people of the United States understood that this immediate harm was for the sake of a long-term guarantee [of democracy]. If a society could tolerate a president violating the law and injuring the people's interest, the entire people of that society would be endangered. Toward such behavior, one cannot concede even once. The American people did what was right. This was democracy!

In China, bugging or listening secretly to certain citizens and detaining and interrogating them are not considered extraordinary. The Public Security Bureau is completely competent in these areas. We don't even need to mention that the Public Security Bureau could even direct its superiors. Take for example the fact that the measures taken toward us are difficult for the people to comprehend. I am certain that the Public Security Bureau had no material to prove that we were a violent group, subversive elements, or gangs disruptive of social order. If they had this kind of material, they would not be satisfied by merely sentencing me to three years of education through labor when they hated me to the bones. They did not have this kind of material in the past; they don't have it now; nor will they have it in the future. Strict detention and interrogation can be enforced only when this kind of material is present. Our detention and interrogation by the Public Security Bureau was not correct or necessary. They are not understood by the people, and they make people indignant. However, there might be people who think otherwise. They think there is nothing wrong in detaining and interrogating people, for if the detainee or interrogated are bad people, they cannot easily escape; if they are good people, can't you just supply proof to eliminate doubts? Isn't the Public Security Bureau serving the country and people in society? I also agree that there isn't anything bad, if the bad or good refers only to personal injury or loss of material goods. However, although I am a materialist, I also have my mental existence. My self-esteem has not yet been paralyzed to zero. Therefore I cannot avoid being so indignant that I despise the groundless detention and interrogation, and the insult and humiliation they have subjected me to. As to the country, the society, and the people, this is a great question. In the future, if I have an opportunity, I am prepared to talk about them. Here I have a very sad statement: Country, society, and people, how many crimes have been committed in your name!

I have been carried away by my emotion and deviated from the topic at hand. Now let me turn back and talk about the two reasons. Because the Public Security Bureau was in control of large quantities of material, there was no great need for me to make fun of them or cheat them.

Moreover, whether it was the April Fifth Forum or the "Joint Conference," our activities were open and proper. Our hearts were open, and we never discouraged any attempt by others to understand us. On the contrary, we welcomed understanding, because it was only through understanding that we could obtain trust and strength. We welcomed the urge to understand, whether it came from society, the government, or from abroad. In the past year, I alone have talked to two or three thousand

visitors from all parts of China. I received [visits] from Tang Roxin of the Research Office of the Central Committee of the 'Youth] League, working personnel of the Beijing Municipal Executive Committee of the League, and many official personnel such as Tang Xin of the Beijing Daily. I was also invited to discussion groups by such papers as the People's Daily and China Youth. More than ten foreign specialists, newsmen, and students called on me at home. These people can prove that we were introducing to them frankly, objectively, and practically our activities, and we let them participate in our inner group's meetings, activities, and theoretical studies, whenever they wished. It was also because we hid nothing that Tang Xin and Tang Roxin were able to write relatively objective pieces to introduce us and to report to the Center. Abroad, there have also been discussions about us. It did not matter whether their introductions of us were correct or mistaken, they would not be able to write about us had we not taken an open and honest attitude. Because our aim and our method were always legal, and because we dared to be seen in broad daylight, we the people of April Fifth Forum have repeatedly emphasized that if one day there should be an unfortunate incident, we must not be afraid when we had to face the Public Security Bureau or the court; we wanted to discuss our situation as it was and trust the fairness of history. In Tan Xin's "Joining the Insiders," I was quoted as saying: "We welcome all kinds of people, including the police, to come to visit and to understand us." This can be said to be our consistent attitude toward outsiders.

Therefore, both the extent of the Public Security Bureau's familiarity with our situation and our principles made it unnecessary for us to lie and mislead them. Previously, when we misled them on problems which had not necessity to be kept secret, it was because they did not qualify as interrogators, and I was not one to be interrogated. Against that kind of barbaric inquisition under duress, my counterattack was mockery. From now on, I of course have no need to play that kind of expensive joke. But I could not give them too easy a time. Aside from the question of conversations with foreigners,

He shouted: "Liu Qing, this is an organ of dictatorship. It is easy to come in, but hard to walk out. Don't think you are extraordinary!"

which I answered without hesitation, I'd give them decisive answers on other problems only when they could clearly prove to me that they already knew. In order to enable them to have a comprehensive understanding of me, I was willing to talk about my personal knowledge. However, I would not answer questions concerning things they had not known but which they attempted to learn from me, such as the internal structure, the enthusiastic supporters of unofficial periodicals, and the people who had given us certain conveniences because of their special status. In the matter of principle I did not retreat a single step. To sum up, my method was noncooperation and nonresistance. Cooperation was possible only with people who followed the law and talked about reason. How could one be so low as to cooperate with those who, leaning on the power and prestige of others, were law-violating bullies? Resistance was of course very satisfying, but its price was too high. Therefore I let it pass into history. I was most unwilling to set the Public Security Bureau free from the embarrassing situation of being pursued and cornered by the law. Of course, this was only because I too had come to a helpless dead end. I vowed that if someday the opportunity arose I would thoroughly expose them. Toward bullies one cannot be kind; nor can one be timid.

Kindness and timidity only encourage bullies to bully even more. There is a Chinese popular saying: "Bullies are the product of license." It is certainly true.

In the following, I want to say something about the interrogators. I answered briefly, and I also explained. I emphasized the importance of explanation. I am writing this because I hope that people will understand through my writing that what the Public Security Bureau interrogated me about was none of their business, and it had no authority to meddle. I emphasize explanations because some of the problems are important problems of the democratic movement or concerning the democratic movement; I can well utilize this opportunity to discuss briefly my viewpoint and to ameliorate the police atmosphere.

Before we talk about these problems, I want to discuss briefly the question of law. Those readers who have patiently read to

In our country, everyone is proletarian. Over whom can the "dictatorship of the proletariat" be exercised?

this point can clearly see my emphasis. In the above, I have repeatedly emphasized, and cornered the Public Security Bureau with, the legal basis on which they justified their treatment of me. In other words, let them show me the concrete regulations to justify the position I was put in. Some people might think that I was insisting that "action taken place before the formulation of law cannot be deemed guilt-worthy" or "guilt cannot be construed retroactively." In fact, I did not insist on this legal point. I knew that in China the "Criminal Code" had clearly specified that even when there was no clear rule in law, [an individual taking] certain actions could be regarded as guilty and subject to trial and sentence; with the provision that the case be reviewed by the Standing Committee of the People's Congress; afterward, the decision could become a precedent, and the ruling would have legal force. In the reception room for visiting masses and in the subsequent interrogations, I told them repeatedly that if they could not present the specific legal statutes, they could still transfer me to the procuratorate, if they regarded my action as guilt-worthy, to be prosecuted by the government, and I would defend myself in court. I repeatedly asked them to do this, and I was repeatedly ignored. Those laughable judicial functionaries! What they feared was to discharge their responsibility according to legal procedures. The reason that I emphasized legal rules was because I wanted to prove from the very beginning that I was guiltless and faultless according to the written law. After that, I would want to use reasoning to prove that "what I said had reason and what I upheld had justifications." I did this because I had to consider the psychology of the judicial functionaries and of the common people. When a person is being tried, what concerns the common people is not whether this person had broken the law, or had violated the rules or regulations of the state or government; they would, on the basis of the proceedings of the trial, decide whether the person was despicable or of the riotous, nonpeaceful sort. If the common people considered him to be making trouble for nothing and not spending his time as an honest man should, then, even if this person was not guilty in legal terms they would regard the court's sentence as having fulfilled the court's task, having made justice known, or as having made no great mistake, and therefore as permissible. They would never think that the opposite was true, that the law was being trampled. When I wanted to denounce in the court of society, I would have to consider the psychology of the people in that society. Therefore I could not fail to prove in great detail that I was legally innocent; I had to prove further that I was not contradicting reason and morality.

On April Fifth Forum

The questions put forth by the interrogators could be classified broadly into five categories:

The interrogator asked me first about our April Fifth Forum, how it was formed, and its organization.

In the beginning of 1979, April Fifth Forum had written to the Central Information Bureau, the Publication Bureau, the Public Security Bureau, and the Tax Bureau to request registration and to pay taxes according to relevant policies. But our letters were like kites broken off from their string; there was never any answer. From these [letters] one can tell that we had never tried to conceal our organization; we had prepared forms and awaited registration. But they did not let us register; neither did they follow the Constitution and give us true freedom of association and publication. We could only resort to the primitive method of mimeographing.

When they exercised their authority to deny us registration, they also lost their opportunity to question us properly. However, we did not hope that they would "build their carts behind a closed door," imagine things by sitting in their offices, or merely receive news gathered by "secret agents" to build up their prejudices; whenever there was a chance, I'd let the official circles understand us objectively. When Tang Xin of Beijing Daily came to collect news, we told him in great detail how April Fifth Forum was formed and organized; we also invited him many times to participate in our meetings. The report to the Center, written by Tang Roxin and others in the Central Research Office, was based on materials made available through the generosity and cooperation of the unofficial periodicals of Beijing. It was reported that a certain member of the Politburo was very moved after he read the material. He said, "We are not helping these good young people; on the contrary, we are putting up barriers. What is the use of having this 'Commission on Law' of ours?" The interrogators, if they had known a little more than the police method, could have obtained those primary sources, not just the scraps of words and phrases.

The interrogator seemed to be interested in several members of April Fifth Forum. He mentioned Lü Po first.

Lü Po is the son of Lü Ji, chairman of the China Music Association. In November 1978, he first posted on Democracy Wall at Xidan the big-character poster, "An Open Letter to Zong Fuxian." In it he expressed a different view concerning Zong Fuxian's play Where There Was No Voice; in the play the April Fifth movement was very simplistically attributed to love for Premier Zhou [Enlai] and hatred for the "Gang of Four." These were merely surface phenomena, according to Lü; the real causes were that the Chinese people had been very discontented under a stagnant economy, with a low standard of living, and with the ever-present control of people's thought; mourning Premier Zhou was finding a fissure that let the discontent explode. After this article was posted, Democracy Wall at Xidan immediately became very popular and crowded; the poster opened up the "democratic movement" centered at Democracy Wall at Xidan, which was being watched by the whole world, and which aimed to promote a change in the Chinese system in order to guarantee China's realization of democracy and rule of law. Tang Xin, correspondent for inner governmental affairs, has quoted somebody else's appropriate description of Lü Po as "the one who lit the torch at Democracy Wall."

The important articles of Lü Po were published under the pen name "0538," which was the number of his work permit. He joined April Fifth Forum in February after he had exchanged ideas extensively with us. In the very beginning, Xu Wenli and I recommended him, and he became one of the three sponsors of the April Fifth Forum. Later, during reorganization, he was

reelected. A political genius, he was a careful thinker and with a strong sense of social responsibility. In October 1979 he wrote to April Fifth Forum a questionable "evidentiary" letter to request a long leave of absence. It was reported that he had debated for about four hours in the home of Hu Yaobang [current CCP chairman] on the views of the "democracy movement" with Wang Juntao, deputy editor-in-chief of Beijing Spring, which was run by Beijing University students. Later we heard that when Hu Yaobang made a report at the Higher Level Party School, he mentioned that he had convinced the son of a cadre who had been quite influential at Democracy Wall; he meant Lü. However, Lü Po himself told me that he did not lose the debate; it was only that there was no way of continuing the debate.

The interrogator, in addition to Lü Po's general circumstances, asked also about his thoughts and attitudes toward the four principles.

Lü Po's thinking was basically dialectical materialism. He was in fact far more thorough and firm than what you can frequently see in the newspapers, those who appear to be extremely leftist but who are in fact rigidly paraphrasing some outworn slogans. He believed in dialectical materialism not because it was a fashionable commodity, or because the Party and the powers that be worshiped it. Rather it was through his own thinking and study that dialectical materialism became his own way of thinking.

In thought and cognition, Lü Po and I differ on two counts:

The first is the evaluation of Chairman Mao. He regards the Great Cultural Revolution as a completely valueless mistake. On the question of the Great Cultural Revolution Chairman Mao indeed had committed a crime; at least he had committed mistakes that were difficult to excuse. Lü thinks this was caused by Chairman Mao's ideas on emperors and kings. I consider the Cultural Revolution itself as a great mistake; it accelerated the worsening of the chronic disease of our nation's society and power structure; it did not "create" the chronic disease. However, nothing is absolute. The Cultural Revolution made its contribution in liberating the Chinese people's thinking and in destroying the image of god. The anticipated goal of the Cultural Revolution was the liberation of the people's thought. Of course, the liberation of the people's thought did not necessarily have to coincide with what was anticipated by the initiator of the movement. From the overall perspective, it was not contrary to the early expectations it raised.

The second was our views concerning the dictatorship of the proletariat. He believed that we must strengthen the dictatorship of the proletariat; otherwise the nation would not be secure. Therefore, there could not be absolute freedom of speech; views disagreeing with socialism and Marxism-Leninism would have to be punished. My views on the dictatorship of the proletariat and on the freedom of speech differed from his.

The proletariat, what people does it refer to in our contemporary society? We must be able to say who they are without ambiguity. If we cannot be clear about who the proletariat are, how can we talk about the dictatorship of the proletariat and who is to be dictated to?

According to orthodox theory, the division of classes is decided by the individual's position in society's economic life: first, whether he is in possession of the means of production; second, his position in the production process; and finally, whether the individual is an exploiter or an exploited person.

If we adopt the view that the exploiting classes are the capital-owning capitalists and the landlords, and that the exploited classes are composed of the proletarians, the poor peasants, and the tenant peasants, we no longer make a division of classes in our nation. According to the theory, the proletariat is produced with the development of the capitalist class, and it will also go out of existence following the disappearance of the capi-

talist class. Proletarians not subject to the exploitation of the capitalist class are impossibilities in our established theory. The wealth of the socialist [nation] belongs to all the people. Are not all the people capitalists now? Isn't this ridiculous! If the people are not called capitalists, then the entire nation (with the exception of Taiwan) is without a single capitalist.

Furthermore, shall we call the peasants proletarians or capitalists? On the surface, the peasants are collectively owning their land and their production materials. But in fact the peasants have very limited authority over their land. Not only can they not sell or transfer their land at will, they cannot even decide completely or partially what to plant and how to plant it. The great majority of today's young peasants have no affectionate attachment to rural areas; compared with the peasants decades ago who would never leave their villages if they could have food to eat, today's peasants are far more progressive. At the same time, in their mind, they seldom think that they are the masters of their own land. Therefore, they can be called proper proletarians or semiproletarians. They can be so called according to the characteristics of the proletarians. Today, most of the peasants in China's rural areas have contact with some machines, even very big machines. Machines such as hand-guided tractors, tractors, rice-husking machines, threshers, and pulverizers are no longer new and strange to them. Many communes and brigades even have small-scale factories. They have acquired some sociological knowledge as well as some advanced scientific and technological knowledge. In addition, peasants are no longer producing individually. As a rule they are producing in the form of production teams, each encompassing some one hundred or more individuals. They are, furthermore, trained to acquire organization and discipline and the habit of cooperation needed in times of war by taking part frequently in water conservancy work, in highway building and other large-scale construction projects, and in periodic militia training. These characteristics of theirs are not far behind what Marx had claimed and praised over one hundred years ago to be the thoroughness, far-sightedness, and organizational discipline of the proletariat.

If the knowledge in one's brain is not regarded as capital, and if mental work is also regarded as work, the intellectuals should also be called proletarians. The nation's functionaries should also be designated as proletarians if our society is not to be called a national capitalist society.

Thus, in our country, all we have is a proletariat! Over whom should we exercise our dictatorship?

We now have adopted the form of production according to a planned economy. Workers and peasants are placed in the position of being led and being directed. In general, they have no say in the production process, much less any right to direct or control production materials. The state plans and directs production through the cadres who serve the nation. Viewed from their position in the production process, the nation's cadres can only be regarded as the capitalist class. This, obviously, cannot be accepted. Then how can the proletarian dictatorship exercise its dictatorship?

As regards exploitation, in our country, with the exception of those who control power and who can thus use illegal methods and improper work styles to "exploit" people, other means of exploitation are all gone. However, this kind of "exploitation" is no longer exploitation in its original sense. By exploitation we mean the forms of profit, rents, and interest gained by capital or other production materials which are protected by law. It also means those people who have obtained excessively large pay or returns by being in the directing positions in the process of production. Those who utilize their authority and illegal means and improper work styles to gain profit should in fact be called the corrupted and the bribed. I don't

have much information and I have not done research on this, so, for the time being, I am not going to talk about this.

To sum up, according to the theory, our country is a society where "there are only differences resulting from division of labor, but not divisions between the high and the low and between the noble and the mean"; consequently, ours is a society without exploitation. Even if in the future there should appear some individual families who devote themselves to service trades either through manual labor or through commerce, the problem of exploitation does not exist because they are directly serving the consumers; the two sides are willing to give and to receive, without having to go through the link of the middleman. I remember, on this problem, Marx cited an example. If the famous English poet [John] Milton had sold his manuscript of "Paradise Lost" to a merchant for five pounds, there was no exploitation in this exchange. Only when the merchant resold the manuscript to earn profit was there exploitation. Therefore, in this country of no exploitation, who is to be the target of this "dictatorship of the proletariat"?

Some people might say that although exploitation is eliminated, it is nevertheless a huge corpse; it cannot be buried in a tomb, it is still spreading harmful poison; the dictatorship of the proletariat is for that purpose. In this way, the dictatorship has shifted from class to ideology; and ideology cannot be clearly demarcated like economic positions. Proletarian elements have retained capitalist thinking; that is, within the ranks of the proletariat there are many people who think about exploiting others. There is no lack of people within the capitalist class who have entertained proletarian thoughts — Thomas More, St. Simon, [Charles] Fourier, [Robert] Owen, and Engels are examples world renowned. How can the dictatorship proceed? In addition, thoughts belong to the realm of the mind; they do not consist of actual harm and exploitation of others; they belong to the realm of freedom and should not be the object of dictatorship.

In fact, ever since the founding of the [People's Republic], the dictatorship of the proletariat has been for the suppression of those who held opinions different from those of the highest authorities; those who were suppressed were "counterrevolutionaries." The suppression of these kinds of "counterrevolutionaries" has seriously destroyed the democratic system of our society, harmed the citizen's rights guaranteed by the Constitution, and killed the positive, realistic, striving elements of our society.

The use of the concept of revolution and counterrevolution in our society today is not suitable only as the emphasis of the dictatorship of the proletariat.

Revolution — here we mean mainly social revolution — is caused by the excessive accumulation of social conflict and is the explosion in an instant (or a very brief historical duration) in which large quantitative changes result in a qualitative change. Essentially there are two kinds of revolution: (1) Basic change in economic forms, such as the French Revolution, the October Revolution in Russia, and the Chinese Revolution, and (2) changes in dynasty but not in economic forms, such as the peasant wars in the various dynasties in China, caused by the corruption, autocratic rule, and darkness which deprived the people of the ability to make a living. There is another way to cause basic changes in society, but in a much milder manner, which is either bloodless or shedding of very little blood; this comes from an initiative within the society to adopt a conciliatory, not an adversary, form to accomplish the change. This can be called change or reform; this should not be called revolution.

During the revolutionary period, the two sides in conflict are struggling; when ideological and material conflicts reach a climax, it no longer becomes possible to have conciliation.

At that time, the police, the prisons, and the courts lose their function of maintaining social order; they cannot perform their authority role in a normal manner; the conflict of the entire society will have to be resolved by their cruel warfare. In this process, all the established institutions, rules and regulations, and law codes cease to have the power to restrain either side; they are demolished. Each side can act according to its own will and treat the other side arbitrarily. Because of the lack of restraint and the acuteness of the conflict, their treatment of each other is very cruel; they lack human feelings and they leave nothing undisturbed. In this process, the side that has reality in its grasp, the side that finds history to be reasonable, necessary, and positive, is the revolutionary group; members of that group are revolutionaries. The side that represents the establishment, which has lost its reason and necessity, and which is in opposition to the historical trend, is the counterrevolutionary group. Its members are counterrevolutionaries. (I understand that existence can be divided into reality and presence; the characteristics of reality and presence are as what I have written above.) To the revolutionary and counterrevolutionary elements the law is equally without any restraining force.

But this is only one single brief moment in history. When victory and defeat are decided and when the situation tends toward stability, revolution is basically over. Now, contradictions tend to be milder. There is no longer the life and death struggle, and it is no longer unnecessary to consider legal relationships. But, in the solution of problems law is needed to control and to implement. At that moment, the most important thing is to return to the rule of law. Revolutionaries and counterrevolutionaries also disappear with the disappearance of revolution. In society, there is only the difference between the advanced and the backward, between the positive and the conservative, between those with a broad vista and those who are short-sighted. The conflict between these people can be resolved through reasoning, consultation, and legal procedures. There is no need to divide into two opposing camps to use swords and guns to deal with each other.

If, after the revolution is over, we are still attracted to the glistening terms and must divide society into revolutionaries and counterrevolutionaries, there will be acute man-made social conflict. This kind of conflict will not cause society to move upward, but rather, it will bring about social instability and the stagnation of the productive forces. Without the slightest exaggeration we can say that the many "counterrevolutionaries" in our society have been manufactured. There were some antisocial elements who originally had no intention to oppose; nor did they understand how it came about; it was the machine of dictatorship which constantly escalated the conflict, which adopted the measures and ideology of the dictatorship to "enlighten and lead" them, to produce in them finally a truly antagonistic psychology toward the Party, the state, and even the society. Among those branded as coming from bad family origins, some have changed precisely in that way. The most typical example was the Great Cultural Revolution. Because the concept of revolution versus counterrevolution was constantly propagated, people finally believed in this what to our society was a flimsy and unsubstantial thing; people began to believe that between them there was the relationship of life and death struggle between the revolutionaries and the counterrevolutionaries, and they began to wield their swords and guns.

To apply the term revolution to an entire historical epoch is to vulgarize revolution. In our daily life we can often hear the conversation as follows: Someone asks, "What kind of work do you do?" The answer: "I am doing revolutionary work." We can often read in the newspapers' propaganda the following: "All kinds of work are required by the revolution." It seems

any work that is somewhat beneficial to society is revolutionary work; because our society is progressing, therefore our society is a revolutionary society. But, let us ask, in the history of mankind, if there is one society which is not pushing history forward and progressing, if there is any one individual who in doing some real job is not doing something beneficial to society, and thereby beneficial to humanity. Accordingly, isn't every society revolutionary and every individual who has a substantive job a revolutionary? This can really be called "Long Live the Revolution!" In reality, however, there is no revolutionary social phenomenon, and there are no people whose profession is revolution.

To sum up what I have said so far, I am not in agreement with the principle of proletarian dictatorship, and I don't approve the use of the concepts of revolution and counterrevolution in our contemporary society. This seemingly fearful thing cannot benefit but only harm our society, nation, and state. It artificially exacerbates our society's conflicts; it diverts the valuable energy of our people, which should be used in creating wealth, to the "creation" of social tragedies. China's low productivity, the people's poverty, the injustice, the false accusations, and the mistaken sentences that touched upon the lives

If, after the revolution is over, we are still wedded to the glistening terms "revolutionaries" and "counter-revolutionaries," the result will be social instability and stagnation.

of more than one hundred million people (if family members are included) were all processed and accomplished under the name of the dictatorship of the proletariat and of revolution and counterrevolution.

When the concepts of revolution and counterrevolution are written into the law, the law fails as a measure [of conduct]; it becomes a rubber band, expandable and contractable. When mighty officials can hold it in their hands, they are in possession of the "all-purpose and all-powerful magic metal cudgel"; to those who dare to criticize and to those who are not in favor, they only need wave the cudgel to punish. This is entirely unnecessary, even legally speaking. For those who really try to use force and violence to overthrow political power to capture political authority, the law is very clear; the law calls the acts subversion and overthrowing. Why is it necessary to hold onto [the term] counterrevolution so dearly? Why is it necessary to use this thing which is conceptually unclear, disturbing to society, and harmful to the people?

When the concepts of the "dictatorship of proletariat" and "counterrevolution" are incorporated into the law, the main contribution is the substitution of counterrevolution for the concept of political crime. Political offenders enjoy relatively more humane treatment, and dignity is respected, whereas the "dictatorship of the proletariat" would not want their opponents to have such "special treatment." Therefore, the concept of counterrevolution that was used in the years of revolution is now used in peaceful years to designate those who hold different thoughts and opinions, and to put the latter in positions subject to cruel persecution like that of the war years. However, if we put aside the special traits of the political offenders that are peculiar to their times, and if we just concentrate on their common traits, we discover that all the political offenders are people who are dissatisfied with the institutions of their nation and are opposed to their state and government, and consequently, they are punished by the judicial organs of the state. Following the progress of history, the definition of a political criminal becomes increasingly narrow. In the old days, mere dissatis-

faction and sarcastic remarks could cause the calamity of losing one's life; with the progress of history, only those who directly oppose [the state and government] with speech and action can be branded political criminals. In the contemporary democratic nations it is generally recognized that people have the right to dislike or to oppose directly the nation or the institution of the nation within which they reside. This cannot be considered a crime, because history amply demonstrates that dissidents are not always without reason; on the contrary, they sometimes represent reality, and it is often because of their opposition that society is pushed forward and history is pushed forward. Only when they are no longer satisfied with mere oral opposition, and when they shift to the will to change social conditions, to realize their will through serious practice, that they then can be said to have harmed the social body and committed a crime. But even so, this kind of crime is a political crime, and the offender is still a political criminal.

The most incomprehensible point is that our country also recognizes that those who oppose their country are political criminals, but they must be in foreign countries and on foreign land. Once on Chinese soil, they are the fierce and wicked enemies of socialism and the proletarian dictatorship; they become counterrevolutionaries, not political criminals. We don't have political criminals in our country. How can this be explained? Does it mean that in China there are no people who are opposed to the socialist nation and government? Are the nation and government supported completely and wholeheartedly by our one billion people? Isn't this tantamount to saying that counterrevolutionaries are not criminals who are opposed to the socialist institutions and the national system? In the realm of ideas, I feel that the dictatorship of the proletariat is like the most powerful "Black Hole of the Universe." In front of the Black Hole of the Universe even light cannot proceed in a straight line; it curves and drops into the Black Hole. In front of the dictatorship of the proletariat, ideas also have to bend to change their original meaning.

My interrogators also asked in great detail about Xu Wenli⁹ and made me write something [about him]. Very obviously, the interrogator intended to gather from me something harmful on Xu Wenli, because his interrogation was very clearly pointed in that direction.

Xu Wenli was a very influential personage at Democracy Wall. Together with Zhao X X and X X Zhe, he planned and started April Fifth Forum. He contributed a great deal of effort to the formal founding of April Fifth Forum in January 1979. Xu Wenli has an extraordinary organizational ability; he can make a group of people who have not seen each other before work together harmoniously and function immediately. The large amount of the daily routine work at April Fifth Forum was mainly his responsibility. He was very busy, and for a very long period of time he only had about two to three hours' sleep every night. The workplace of April Fifth Forum was his bedroom which he had vacated and sacrificed. He was a famous convener of April Fifth Forum. He was general director on the first line of the demonstration in connection with the "Star Art Exhibition" held on October 1, 1979. Foreign correspondents have called on him many times and have written long articles specifically about him. He and I basically agree on the evaluation of Chairman Mao and in our viewpoints on the Great Cultural Revolution. What I have written for the Public Security Bureau concerning the situation of Xu Wenli must cause them great disappointment, for I emphasized Xu's sense of social responsibility, his sense of urgency of history, his extraordinary ability in organization, and his self-sacrificing noble character, his dialectical materialistic and historical materialistic way of thinking, and his courageous liberated mind. It is possible that I exaggerated a bit in my praise for

Xu Wenli. Yet I think that there at the Public Security Bureau it would have been impossible for me to exaggerate my praise for my brave friends who had devoted themselves to the cause.

The interrogators also asked about Wang [one character illegible], about his pen names and his published articles. Wang was an editor of April Fifth Forum. His was the most important pen. He was very young. A student at X X University, his major was economics. He writes fast and he thinks clearly. There were articles of his in every issue of April Fifth Forum, sometimes more than one article in the same issue. Wang Yunan of the theory department of People's Daily once expressed his appreciation of his articles.

The interrogator seemed to have asked about every member of April Fifth Forum. Even if I suspected that there were "secret agents" and traitors inside April Fifth Forum, my impression was of young people who had the ability to think independently, had a sense of social responsibility, and who had a spirit of devoting themselves to an enterprise. Therefore I was very happy to tell the interrogator my impression of these people.

On the 1979 Joint Conference

In January 1979 the various units in Beijing sent down a document concerning Beijing Municipality; this document misinterpreted Democracy Wall, the unofficial periodicals, and the small organizations. At the time, society had all kinds of views concerning Democracy Wall and the unofficial periodicals. In order to correct the distorted image, and to let society have a direct perception of us, the various unofficial periodicals all recognized the necessity to convene a large-scale forum to tell the people our aim, opinions, what we want to have done, and why we want to get it done directly; at the same time we wanted to prove to people that we dared to stand up and speak and that we were not the kind of people who could only spread rumors behind people's backs. The seven unofficial periodicals that took part were April Fifth Forum, Today, People's Forum, Enlightenment, Reference Material for the Masses, Human Rights League, and Exploration. The meeting was held on January 28, 1979. Later, this gathering was called a protest meeting. After the meeting everybody thought it necessary to preserve a form of conference to facilitate communication and to have frequent consultation. Thus a "Joint Conference" was formed comprising one delegate from each of the seven periodicals. Perhaps it was because the "Joint Conference" had my home as its address and I was not particularly fond of participating in the internal affairs of other organizations that I was delegated by all the organizations to be the convener of the "Joint Conference." That organization was basically demolished in that blast of wind at the end of March 1979. Thus I announced an indefinite postponement of meetings. Later, during the "Star Art Exhibition" incident, April Fifth Forum, Today, and Beijing Spring thought of reviewing "Joint Conference," with the plan of inviting other unofficial periodicals like Fertile Soil to join in; I was again temporarily designated as the convener. But this time, before the "Joint Conference" could be formally born, it was aborted.

First, the "Joint Conference" existed for about three months. During that period we met once a week; on special occasions there were additional meetings. Because the unofficial periodicals have diverse ideologies, the work was not particularly effective. There was only one large-scale meeting of social significance; it was held on January 28; later, although we wanted to have more meetings, we could not because of a lack of unity. After Fu Yuehua was arrested, her younger brother contacted the "Joint Conference" many times and asked it to call for help and aid in society. The "Joint Conference," having heard various stories circulating in society, considered itself uninformed on the situation. Fu Yuehua's activities had

been mainly among the higher-level correspondents, and she was not too familiar to the various unofficial periodicals. The "Joint Conference" could not suddenly adopt an attitude of wholehearted support for a person who was rumored to have "sneaked into the Japanese embassy or the American embassy at midnight," and who "had possibly engaged in prostitution." Even though such rumors were highly incredible, the "Joint Conference" did not have proof to repudiate such doubts; nor was it so strong as to ignore the doubts. Therefore the first task undertaken by the "Joint Conference" was to find ways to understand the situation, and after the situation became more clearly understood, it would decide how to act.

Thus, the "Joint Conference" organized two groups of correspondents to call on Fu Yuehua's relatives, people who were familiar with Fu Yuehua, the police substation in the place where she lived, the branch bureau of the Public Security Bureau in Xuanwu District, the reception station at Gongdelin in Beijing Municipality, and the Public Security Bureau of Beijing Municipality. We put most of the important interviews on tape, which we played at the "Joint Conference." All the materials were sorted out and edited, copied into big-character posters, and posted on Democracy Wall, to let people make their own judgment through the primary sources. We repeatedly asked the judicial organs to solve this problem, with which society was so concerned, as quickly as possible. In August and September 1979, April Fifth Forum convened a meeting unilaterally to call for help for Fu Yuehua, Wei Jingsheng, and Ren Wanting, all of whom had been detained for a long time without any definite solution. Our work was of course not adequate; but we nevertheless did something; and this work was such that China and foreign countries would not forget quickly an activist in front of Democracy Wall. Certain people in society and Fu Yuehua's relatives might not be too satisfied with our work; they might think that we were too weak, "unable to satisfy their appetite." Here I would like to cite something Zhu Ziqing said: "How could I satisfy the wishes of everybody? I only hope that I am responsive to my heart."

The second problem which cost the "Joint Conference" a lot of energy was resolving the split between the "Ren faction" and the "Chen faction" inside the Human Rights League; the split had serious repercussions.

In February 1979 the Enlightenment Society of Guizhou Province was split into three factions: the "editorial committee" was headed by Huang X,¹⁰ the "editorial department" was headed by Chin Xiaochun and Yang Zaixing, and the "Thaw Society" was headed by Li Jiahua.¹¹ The three factions, engaged in heated in-fighting, planned to convene a democratic discussion group in Beijing in March to debate openly. This kind of situation should have been quite normal. Those who had joined the "democratic movement" were of different ideologies and different aims. Some were willing to devote themselves to the enterprise of public interest out of a strong sense of responsibility to society, or a sense of history, or because of a sense of urgency; there were also others who came because of personal gratitude or vengeance or who were people of pure emotions in their dissatisfaction toward certain social phenomena. Moreover, there were those who were extremely ambitious and longed for power and influence, and they tried to use the democratic movement to open the door for them. And there were street-corner bullies and vagabonds who came for the fun and for the opportunity to grab some profit.

When there were this many different kinds of people, it was impossible not to have fights. This of course is an unavoidable phenomenon in any kind of social movement. Even those people who joined for the public interest would also get involved in disputes because of differences in their way of thinking, the differences in their positions, or because of their farsightedness or

shortsightedness. Debates are good; they are beneficial in the ridding of confusions and blind spots in people's thinking. We are all for having more debates; even when we have internal dissension, if necessary, we should have open debates to distinguish right and wrong. But at that time, when they came from Guizhou to debate, the timing was wrong; quite a bit of hearsay and myth was circulating about the unofficial periodicals and the dissension within the Human Rights Alliance to the point that when a very bad impression was made, we could no longer afford to let Guizhou conduct a great battle. Therefore, with a firm attitude, the "Joint Conference" indicated to the Guizhou people that we did not welcome their method of coming to Beijing to stir up trouble. We stopped this dissension from becoming an open affair in Beijing. This the "Joint Conference" did not want to do, but it was the only thing to do.

The "Joint Conference" had also reached certain agreements with some of the unofficial periodicals; among these, the most important, as I had mentioned earlier, concerned the four duties among the various organizations.

After the arrest of Wei Jingsheng, Yang Guang,¹² who later testified in court, wrote me a letter urging me to fulfill the duties in the "four-point agreement." April Fifth Forum basically did not forget its promises, and we basically carried out our promised responsibilities. In March, when the situation was quite tense, we went to the homes of Wei Jingsheng and Ren Wanting and comforted their families; we tried our best to understand their circumstances in order to inform the public. In July and August we made speeches and carried out public opinion surveys, in order to beseech the government to solve as quickly as possible this case which was in full view of the world. After the court had sentenced Wei, we got the tapes and thus were in possession of the primary sources; we then let the outside world know the real situation; we also wrote some articles disapproving of the court's too severe sentence for a not too serious crime.

The second "Joint Conference" existed only in miniature. It came into existence mainly after the "Star Art Exhibition" demonstration at the suggestion of Beijing Spring. The main task of this period was to collect the facts on what had transpired at the "Star Art Exhibition" and compile them according to our understanding into a pamphlet; we then mimeographed it into many copies to distribute in different parts of society in order to refute some insidious rumors. We had no idea where the rumors came from. Another thing was the reception for the Chinese and foreign newspapermen who had been invited specifically to cover the demonstration at People's University. Before the news coverage, we were afraid of unexpected incidents; so we telephoned beforehand to the Party committee and the student government of People's University. But we did not get a very definite answer. We asked Chai Song, an enthusiastic follower of Today, to go to People's University for some news and to telephone us if the reception was going to take place. After he reached People's University, he told the student government that he had come to cover the story in behalf of all the unofficial periodicals; People's University broadcast their welcome to the entire campus. After the event we were very apologetic for being unable to cover the news and to give support promptly. Xu Wenli wrote a letter to the student government of People's University in behalf of April Fifth Forum to express this feeling of ours.

In my heart I did not approve of the demonstration at the Star Art Exhibition.¹³ My original suggestion was to post a big-character poster on Democracy Wall to expose the arbitrary behavior of the East City Subbureau [of the Public Security Bureau], which included the confiscation of works of art and the suspension of the normal social and cultural activities of the "Star Art Exhibition"; at the same time I wanted to hold a

big discussion group, a meeting where speeches were made, to seek help from society, and to mobilize social forces to criticize [the subbureau]. However, the more radical views later dominated; our more moderate and conservative views were defeated. That particular demonstration, I believe, had a great impact on the subsequent development of things and events. Some of us had an overly optimistic estimation of the situation of that time.

Before October 1 [National Day], we had some good news: the central authority of the League interviewed four periodicals — Beijing Spring, Fertile Soil, Today, and April Fifth Forum — and described and evaluated us in materials reported to the Central Committee; a certain leader at the Center read the report and commented publicly on it; there were invitations issued by many official units, an invitation to attend Yu Guangyuan's news conference and an invitation from the Central Information Department to attend a discussion meeting called by Zhao Haosheng, open and in camera formal and informal discussions at discussion meetings attended by periodicals specifically invited by China Youth, [the news that] the Committee on Law of the People's Congress would invite Fertile Soil and Beijing Spring to attend the meetings of the Committee on Law; there was readiness to publish the publication code in 1980, the possibility of giving our four periodicals certain considerations beforehand, and other news of this kind.

Later, the most important one of these, the publication code, did not materialize. This was not unrelated to that demonstration and the subsequent change of circumstances.

The "Star Art Exhibition" demonstration was held on October 1, 1979, the thirtieth anniversary of China [sic]. Later we heard that some of the leaders of the Party and government, when they were discussing that demonstration, said, "If [these people] had had just a little bit of patriotism, they would not have marched in demonstration on that day." This statement lacks common sense. What is patriotism? I believe that any action or speech that is for the protection of the spirit of the Constitution is patriotic; whereas any action or speech that is harmful to and contradicting the spirit of the Constitution is unpatriotic or even damaging to the nation, irrespective of who the person is. The marching demonstration at the "Star Art Exhibition" was held from the perspective of protecting the Constitution (the causes and consequences of which will be discussed by me later); their banners had the following slogans: "Demonstration for the Protection of the Constitution," "We Demand Political Democracy," and "We Want Freedom in Art." The central issue was to request the government to guarantee the citizens' right to social and cultural activities without the barbaric interference of the police. It was a very good form in which to celebrate the joyful anniversary by upholding the national fundamental spirit; how could anybody say this was unpatriotic? We must separate those who desperately wanted to have "face" from those who were truly patriotic. Those who were desperately in need of "face" would only think about temporary glory regardless of consequences; they became an umbrella shielding harmful behavior, and they are in fact injurious to the nation. The only thing that was worthy of consideration was the strategy, because the demonstration not only failed to obtain good results, but, on the contrary, it was probably one of the causes of subsequent changes in situation.

Communication with Foreigners

I have never initiated contact with foreigners; this is not because I am not willing to contact them, but because of Chinese reality. Only on my own initiative did I send a copy of the second issue of April Fifth Forum to [Nigel] Wade, correspondent of the English Daily Telegram; this was to express my gratitude

to him. Wade posted a New Year's card on Democracy Wall on New Year's Day, 1979, and expressed his best wishes to all the budding unofficial periodicals. We shall always remember his friendship.

Although I did not initiate contact with foreigners, if foreigners came to find us, we would try our best to receive them warmly; this was not merely politeness; this was, more importantly, necessity. In China, the voices of the common people are very difficult to get into the ears of the leaders of the nation and the government; even if they get into the ears through the efforts of some people, they are seldom valued. On the other hand, the same news, if it happens to "cross the ocean and become gold-plated," it is like having jumped onto the dragon gate, and its value increases a hundredfold; it will be given favorable attention [by the leaders]. As we are of the opinion that the Chinese system should be reformed, we naturally are willing to have our voices heard by people above and below; we therefore value this route very much. At the same time we also hope that the world will understand us. Today a nation can no longer lock itself up and repulse any influence from the outside world.

The interrogators tried their best to dwell on the question of the foreigners. I told them frankly that I could answer any question concerning the foreigners. The Public Security Bureau could not find any necessary justification on this problem concerning the foreigners. So, one interrogator tried to scare me with a smart trick. But his skill was so mediocre that whenever I think about that incident now I cannot stop laughing.

The Associated Press correspondent Victoria and her assistant Liu Xiangchen had introduced to us a reputedly very well-known correspondent, Richard Bernstein. Liu Xiangchen said the he was a specialist on China and he had accompanied American Vice-president Mondale on his visit to China. On the day we had agreed to meet, I invited representatives from the organizations of Beijing Spring, Today, Fertile Soil, Exploration, and the Human Rights League. Bernstein arrived forty minutes late. He said it was because he had gone to the reception given by Sihanouk; he apologized for being late. In 1979 he was thirty-six years old and single. We talked together for a little over three hours. When he was leaving he told us that he had requested Chinese permission to be stationed in Beijing on a long-term basis as the correspondent for Time; he estimated that permission would be granted in 1980. He therefore hoped that he would come again to Beijing in the spring and that at that time we would meet again as old friends to have good talks. Liu Xiangchen tape-recorded our conversation. We too tape-recorded the conversation, and we took notes on the important points.

The interrogator tried to frighten me with this conversation. He said, whoever comes as a correspondent is accredited as correspondent by China. Those who are so accredited are allowed to gather news; those who are not accredited have no right to gather news; since Bernstein had not been accredited as a correspondent, he had no right to gather news; that we allowed him to interview us meant that we had violated the rules.

That was ridiculous! If collecting news without being accredited was a violation of the law, then the violator was the one who collected the news. How could I be blamed for this violation? Furthermore, the so-called "news-gathering prohibition" was aimed at activities in public places, at meetings, and at demonstrations; how could it include casual conversations between three or five persons? All foreigners, after they have a conversation with any Chinese, can write a report, or quote a few sentences; they don't have to be correspondents to pen a few words. In general, whoever believes that he can write a few sentences and earn a few extra dollars will write something. Given this situation, isn't every Chinese who has

talked to foreigners faced with the calamity of having permitted illegal interviews or committing illegal activities? Does this mean that before we can talk to a foreigner we have to ask for his correspondent's accreditation or else refuse to talk? There is no simpler way than to add a new item in the "Criminal Code": It is forbidden to talk to foreigners; those who disobey will be punished without exception. Wouldn't this reduce the opportunities of the Chinese people to violate the law? Or, the measures used during the period of the "Gang of Four" could be revived; they should be very effective.

On the other hand, I really could not believe there was such a law. Perhaps only interrogators could invent that kind of law.

Molares, correspondent of the Agencia EFE [Spanish], had interviewed me several times at my house. The interrogator told me that Molares had written a report entitled "Hua Guofeng and the Young Political Dissident." The interrogator said that I was that young political dissident. The interrogator said that the article quoted some of my "original statements," and that they were too extreme and had certain problems.

Molares had asked me a question: "What do you think of Hua Guofeng?"

My answer at the time was that Hua Guofeng had made a contribution to the smashing of the "Gang of Four"; but he had risen to national leadership during the ten years of extreme turmoil; I did not understand his past, and I did not understand the ten years of turmoil; therefore I had nothing meaningful to say. On the other hand, however, there was a point that I could make clear, that is, we could give our vote of confidence to national leaders like Deng Xiaoping and Chen Yun without hesitation; as to Hua Guofeng, we had to think about it. Trust is not bestowed on a position; only when we understand a person through a long historical period could we give him trust; it was the highest honor. When the interrogator said that my statement had points that were too extreme he was probably referring to this. Nonetheless, to this day I still persistently believe that a person's position cannot decide whether or not he has the trust [of the people]; I still cannot unconditionally trust a person simply because he is the Chairman.

It was probably after I was detained that Wade, the correspondent of the Daily Telegraph, wrote an article which touched upon me. The interrogator told me that it was so. The article talked about our conversation which I mentioned above. I gave Wade a copy of the second issue of the April Fifth Forum as an expression of our respect and friendship. When I was handing it over to him, we casually exchanged a few words. Because there was on the one hand the language barrier, and on the other hand the fact that there were too many spectators surrounding us, we could not continue our conversation. Wade pointed to a small car and told me, "This is my car." I understood the reason of his having said that; he wanted me to get into his car, or to go somewhere else to talk. But I did not respond in any positive way. Given the concrete situation in China, I avoided having private conversations with foreigners. Later on, when I had conversations on numerous occasions with foreigners, if it was possible to arrange it beforehand, I would try my best to invite as many people as possible to participate. Therefore, that particular contact between Wade and me could hardly be called a conversation.

The interrogator said that I had concealed that conversation and the conversation with Zhang Fenggo [error for Zhang Zhanfeng], wife of the Dutch correspondent Willem van Kemenade. The conversation with Zhang Fenggo was also very brief and desultory. Finally, the interrogator said to me magnanimously, "We have no intention to find out the problems concerning you and the foreigners; we don't want to use foreigners' materials to rectify our own fellow citizens."

(Continued p. 35)

Liu Qing:

EDITORS' NOTES

1. Wei Jingsheng was convicted for having "supplied a foreigner with Chinese military intelligence" pertaining to the Sino-Vietnam war (though he argued that the information was not secret), and as a "counterrevolutionary." The latter charge pertained to essays which he had written. For texts of these, see James D. Seymour, *Fifth Modernization* (Crugers NY: Earl Coleman Enterprises, 1981), Documents 12, 51, and 55. For the text of the law concerning national secrets, see FBIS, 14 April 1980.

2. "Exploration" was the most militant of the various unofficial publications which the 1978-79 thaw produced. It carried many articles highly critical of Marxist ideology and of the Chinese government. It was edited by Wei Jingsheng.

3. In this essay (translation: Seymour, *Fifth Modernization*, Document 51), Wei made direct attacks on Vice Premier Deng Xiaoping.

4. The post-Mao leadership gave much publicity to certain cases of individuals such as these who had been persecuted by leftists. Unofficial publications such as Liu Qing's April Fifth Forum were also interested in some of these cases. See, for example, article on Zhang Zhichun, *Beijing Spring*, transl. JPRS 74909; and Zuo Ke, "The Yu Luoke Case: Miscarriage of Justice," April Fifth Forum, 1 April 1979, translated in *SPEAHRhead*, no. 6/7.

The emphases of the official and unofficial press differed somewhat. The official media stressed that the martyrs had been persecuted for upholding the now "correct" political line, whereas the unofficial journals played up the human rights aspect. For example, Zhang is quoted in *Beijing Spring* as having said: "Party members are permitted by the party constitution to air their views and make proposals at Party meetings. It is also legal for them to express their views in written form. Therefore, to label party members who have aired their views or made proposals regarding to the Three Red Banners as 'anti-party' and dismiss them from office runs counter to the principles of our party and only serves to broaden the scope of the class struggle." (*SPEAHRhead*, no. 8, p. 19.)

5. Fu Yuehua was the first democratic activist known to be arrested during the 1978-79 democratic movement. She was more truly working-class than most of the other names with which we are familiar. (Most of these, like Liu Qing, might be termed "worker-intellectuals.") She was convicted and sentenced to prison for leading a peasant demonstration in January 1979. One of the charges against Liu was that he also participated in this demonstration.

6. The China Human Rights League was a broad coalition of democratic activists and organizations. Its platform was the famous "Nine-teen Points" (See Seymour, *Fifth Modernization*, document 16).

7. The literal meaning of the Chinese term for "news" is "newly heard."

8. Ren Wanting was active in the China Human Rights League until his arrest in April 1978. See *SPEAHRhead*, no. 2, p. 5.

9. For an in-depth interview with Xu Wenli, See *SPEAHRhead* no. 8.

10. This is doubtless Huang Xiang, Enlightenment's most famous writer. He is best known for his political poetry. See Seymour, *Fifth Modernization*, section 15.

11. The Enlightenment Society was a relatively moderate group. It was insufficiently militant for some of its members, who spun off in February 1979 to form the Thaw Society. For the manifestoes of the two organizations, see Seymour, *Fifth Modernization*, documents 9-10.

12. Yang Guang was assistant editor (under Wei Jingsheng) of *Exploration*. He was arrested on May 22, 1979, and was induced to testify against Wei at the latter's trial. See n. 20.

13. In November 1979, a group of mostly avant-garde artists in Beijing held a showing of their works outside the National Gallery of Fine Arts (having been denied permission to hold an exhibition in the Gallery itself).

When the police moved to close the show, the group marched in protest to the city hall.

Finally, permission was granted to hold an exhibition in a park. For Liu's commentary on these developments, see page 50f. For Western observers' accounts, see Roger Garside, *Coming Alive: China After Mao* (New York: McGraw-Hill, 1982), 407 f.; Julien Blaine, "Poèmes et art en Chine: les 'non-officiels,'" *Doc(k)s*, winter 1981-82; and "The Stars," *Libération*, 21 Sept. 1981, translated in Gregor Benton, *Wild Lilies: Poisonous Weeds*, (London: Pluto Press, 1982) p. 202-209.

14. Wang Dongxing and Wu De were among the more important leftists remaining in office. They were considered members of the so-called "little gang of four" (along with Ji Dengkui and Chen Xilian). Wang Dongxing had been a close associate of Mao Zedong (and head of the high level security force known as "Unit 8341"); at the time being described, he was a Vice Chairman of the Party. Wu De was head of Beijing Municipality (an important position). In the late 1970s these people lost their positions and power. Such people were also known as "whateverists," because their political stance was based on the "two whatevers": (1) "We are determined to support whatever policy decisions were made by Chairman Mao," and (2) "We will unswervingly follow whatever instructions were given by Chairman Mao." These leaders lost most of their positions and power after the third plenary session of (Continued page 34.)

Hu Ping *Continued from back cover.*

Therefore we have no reason to deny freedom of speech to anyone. In other words, everyone concerned with the destiny of China must unify behind the common cause for freedom of speech, even though he may hold different views on other issues.

In the past, we have been unsuccessful in promoting democracy step by step. Many movements launched with the aim of expanding the scope of democracy ended with democracy suffering setbacks and we ended up worse off than we had been before. This consequence merits our attention. In my view, this consequence has resulted from our failure to accurately assess beforehand the problems that might arise from expanding the scope of democracy, and from our decision to expand the scope of democracy in response to complaints about the lack of democracy and problems arising therefrom. Although upcoming situations were well calculated beforehand, proponents of expansion of the scope of democracy might waver and retreat from their original position in the face of protests coming their way. Democracy was often forgotten and gave way to expedient measures aimed at dealing with emergency situations. I am afraid that the steps to be taken [had not received adequate consideration]. At first, it was difficult to forecast measures to be taken with the aim of encouraging people to "freely air their views." When proponents of democracy were confronted with many protests resulting from the sudden promotion of democracy, they found it hard to determine which protests were normal responses and which were not, and which democratic measures should be upheld at all costs and which measures should be modified or even retracted. As a result, the original strong democratic current was in danger of splitting into two camps, with one side attributing the troubles to the inadequacy of democratic life, and the other complaining that democracy had gone too far. In the end, that faction originally not interested in democracy became noisier than ever. Under such circumstances, traditional ideas prevailed. By then, the people simply reasoned that no one could predict what would result if views were freely aired continuously. Since the situation was unpredictable, a decision was made to roll back the democratic movement, or the majority of its proponents, to the original track. Although this was not considered the most ideal step to be taken, past experience told them that this could be expected to be a reliable measure for bringing the situation under control. But in the final analysis an originally defensible democratic base was lost because some comrades insisted on mounting further offensives before they could consolidate their newly won gains, while others gave up all ground they had won in the face of real trouble. Consequently, the democratic spearhead was blunted, the old traditional forces regained their strength, and the people were forced once again to taste the bitter fruit of disillusionment.

This past lesson teaches us that once a course is charted, the steps to be taken will hold the key to its success or failure. In my opinion, freedom of speech is the first step in that direction. Only by encouraging more and more comrades to get well prepared to take the first step in this direction can we have confidence in breaking the historical whirling current and steadily keep our voyage on course toward the bright future.

Reforming and Restructuring

Power is needed to carry out a profound reform. But an independent movement is necessary to bring the reform to a really successful conclusion. Only in this way can the reform continue

to develop, or at least retain its strength after it is deprived of power so that it can regain power. This method is particularly necessary in countries where old traditions are deeply embedded and conservative forces are predominant. Any reform movement is doomed to failure if it loses the independent force which enables it to continue to grow without the protection of political power. Therefore, those dedicated to reform must try everything possible to preserve the power that makes a large-scale reform possible. Meanwhile, they must also concentrate on building a reliable base for reform. Apart from improving the efficiency of power, they must take necessary measures to prevent the abuse of power. In this connection, we must also point out: The reform group must try to survive and expand after it loses political protection, so that it can bring the reform to a successful conclusion. Only in this way can the main force of the reform preserve itself even when those opponents of reform and modernization return to power. In other words, the reform force can again gain momentum through the adoption of normal procedures instead of extraordinary measures.

In the process of reform, its proponents should constantly remind themselves of this question: What will we do if power-wielders deviate from the correct course? What will we do if power is usurped by bad elements? Loss of power does not necessarily mean a loss of solutions, just as the availability of power cannot provide solutions for all problems. Planning our hopes for success in this profound and long-term reform on the integrity of leaders and the idea succession of power is like pinning our hopes for success in lifting a thousand bushels by a single hair and putting all our bets on probability.

A nation without farsightedness cannot survive destruction. Reformists must impose necessary restrictions on the power engaged in reform. Doing so calls for foresight. Does power that we sincerely support need supervision? Can it be criticized? Should any steps be taken to prevent the abuse of power? These questions constitute an examination of our political farsightedness and a test of our political integrity. The left deviationist trend of thought thrived on the speculative mentality that long affected many people. Some people have deliberately adopted an ultra-leftist stand that transcends principle. If they merely follow principle, they feel unable to command respect and attention. If they fail to do something unusual, they feel unable to impress the people with their seemingly firm stand and the line they have drawn between what to love and what to hate. These were cheap and pompous methods that they used in order to intimidate the honest, to deal blows to the sincere, and to frame those with rectitude.

Historical facts invariably show that once political power is firmly established, its most dangerous enemies are those at the top. An openminded and law-abiding political opposition group is probably more valuable to society than those at the top. The policy of failing to stand up to perfidious attacks, betraying principle, and abandoning the legal system is one of self-destruction. A noted proverb from Lenin reads: A principled policy is the only correct policy. This point merits our great attention. Some comrades often contend that power restricted is power weakened; expansion of democracy means a scaling down of centralism. This is indeed a one-sided and metaphysical viewpoint. It must be noted that no power in the world is omnipotent; power should not be overextended, so that it can attend to one thing without losing hold of another. In precise terms, restricting power means limiting its jurisdiction to a specific area. Although restrictions dilute its influence beyond that area, they can improve its efficiency in the area under its jurisdiction. In other words, consolidated and wisely defined power can demonstrate greater effectiveness.

This reasoning is simple but very important. If a criminal law carries penalties so severe that it serves only to scare rather than educate people, its life will be numbered by days. If people, especially good people, are indiscriminately labeled “counter-revolutionaries,” in the end the genuine counterrevolutionaries will feel honored. Power is not unlimited. If those in power forget this point and mete out unnecessary punishment to people on the basis of personal animosity, they risk losing popular support for their decrees and increasing the crime rate. However, it is regretful to say that this situation often leads those in power to come up with the wrong conclusion that this situation was created by the toning down of law and discipline and an over-emphasis on democracy. This contention often provided them with additional opportunities to abuse power and do people harm. We must see that if power makes its presence where it is truly needed, it will enjoy support and cooperation and will make itself function effectively. . . . The problem is that if power insists on making its appearance in places unwelcomed by the public, the people will resort to all sorts of tactics to render it impotent. Although in appearance it controls everything, actually it controls nothing.

Baruch Spinoza pointed out long ago: “Enforcement of the policy of punishing people for speaking out will have no effect on bad elements and fools. But it does have an effect on people who are honest and have integrity.” This is true. Those who score personal gains at the expense of the public interest, who engage in speculation, who fool around doing nothing, and who are cunning, sophisticated, and apathetic will never say anything distasteful to their leaders. They have worked out a failure-proof strategy for dealing with all contingencies. They pledge support for all views expressed by their superiors in their presence but give them no credit behind their back. They can play games with

When a country lacks freedom of speech, the real reason is that its people lack a *consciousness* of freedom of speech.

their superiors and do everything possible to pass the buck around. When a showdown comes, they may bring their dilatory tactics into full play. The laws and discipline designed to punish people for speaking out will have no effect on them. Only the just and sincere people will suffer from the law penalizing dissenting speeches; only kindhearted people are angered by it. When good people are punished wrongly, the people will look at the laws with disdain, praise those capable of resisting the laws as heroes, call those capable of evading law and discipline wise men, have high regard for those capable of playing games with law and order, and condemn those who are faithful to discipline. These situations all result from the abuse of power. The functions of power will be rendered impotent if no steps are taken to restrict its jurisdiction.

The conclusion is very clear. The jurisdiction of power must be clearly defined with the aims of preventing people from abusing and usurping power and of making it function more efficiently. A declaration of the right of citizens to speak out should be included in any fundamental law. Some people often mistake the strengthening of law, discipline, and public security for the suppression of dissenting opinions. They prefer to betray the “public trust” in an attempt to demonstrate their “power.” This approach may be effective for a while, but it will have a harmful effect on generations to come. Unless we consider it necessary to

restrict the jurisdiction of power and view this as a complementary step in making power function efficiently, we become the victims of metaphysics.

Letting Freedom Take Root

This lengthy discussion can be boiled down to this point: We must give the people true freedom of speech, and we must make the principle of freedom of speech take root in the hearts of the people. Although the people can interpret democracy in different terms, although they may still have reservations and misgivings about democratic practices, and although they are divided over many other issues, they must dispel any doubts concerning the necessity of promoting freedom of speech. I don’t expect readers to agree with all the views I have expressed here, but I hope they will support the thesis on freedom of speech. Our most important task at present is to profoundly and consistently convey to the public the meaning of freedom of speech and make it take root in the hearts of the Chinese people.

A review of the past several years shows that the abridgment of free speech in China reached alarming proportions in terms of depth, breadth, and intensity. Have there been any theses on politics and science, have there been any official meetings or meetings in private life, have there been any speeches, even concerning children, have there been any persons ranging from nationally and internationally known scholars to illiterate peasants and people who could speak out—have any among these escaped the monster claws of punishment on charges of a slip of the tongue? Have there been any people who have not been physically or mentally tortured through the exercise of dictatorship in all its disguised forms and court trials and announcements of death sentences for nothing but a slip of the tongue? A statistical account of the number of people so punished during the past several years would reveal a figure that would jolt people into shock! Stupidity is now at its zenith, and a disaster has reached a peak. The suffering people were thinking while the thinkers were oppressed. The sanguine dictatorial policy of sentencing people to prison terms on charges of a slip of the tongue, thinking their own way, and publishing unauthorized books has come to an end and has gone broke in the eyes of the Chinese people—especially the young generation. Today the Chinese people have just bade farewell to that catastrophe. The wounds remain to be healed; the blood is still there. The Chinese people bitterly hate dictatorship, cherish democracy, and condemn the fascist tactic of sentencing people to prison on charges of a slip of the tongue.

I deeply believe that the promotion of freedom of speech marks the first step in the direction of promoting democracy. In the course of improving and developing our socialist democracy, we must give first place to freedom of speech. The best way to promote freedom of speech rests with our efforts to convey its meaning and value to the public profoundly and fully, and to persist in doing so until it takes root in the people’s hearts. This is the only notion open to us. Although patterns may change, although the objective world is full of complicated problems and difficulties, and although we should take prudent and steady measures to deal with many problems we should always uphold our belief in freedom of speech.

We must cherish this idea of letting the principle of freedom of speech go deeper and deeper into the hearts of the people and make it take root in the soil of China through our tenacious and persistent efforts, so that generations to come can enjoy life in a land where they will feel free to think, say, and write whatever they wish. When that time comes, they may wonder: How could there have been a time when people were sentenced to death for saying something wrong? ✕

LIU NOTES *Continued from page 31.*

the Eleventh Party Central Committee meeting in December 1978. Actual removal of the "little gang of four" from the Political Bureau did not occur until the Fifth Plenum in February 1980, when Liu Shaoqi was posthumously rehabilitated. The Communiqué of the Third Plenum can be found in *Peking Review*, no. 52, 29 December 1978, pp. 6-16. The communiqué of the Fifth Plenum can be found in *Beijing Review*, no. 10, 10 March 1980, pp. 7-10.

15. The "Four Greats" were rights which had been advocated by Mao Zedong: "to speak out freely, air views fully, hold great debates and write big-character posters." These words had been mentioned as early as 26 October 1958 (see *People's Daily* editorial of that date), and were considered an important tool of leftists during the Cultural Revolution. Article 13 of the 1975 Constitution referred to the Four Greats as "new forms of carrying on socialist revolution created by the masses of the people," and declared that "the state shall ensure...the right to use these forms." Article 45 of the 1978 Constitution also guaranteed the Four Greats. Not only leftists, but also democrats like Liu, favored them.

However, the officials often opposed these rights. This opposition was voiced with increasing frequency beginning in 1979, and in November of that year representatives on the standing committee of the National People's Congress complained that the Democracy Wall (a manifestation of the Four Greats) was disrupting social order and public security, and that it had become "a medium to conduct counterrevolutionary activities." On December 6, the Beijing Municipal Revolutionary Committee issued a notice restricting public posters to Yuetan Park on the west side of town. On 16 January 1980, in a speech to a cadre conference, Deng Xiaoping stated that the Four Greats, although a part of the Constitution, had never, as a whole, played a positive role. Receiving applause, he announced that the Central Committee would submit a motion to the standing committee of the National People's Congress to revise Article 45 and excise the Four Greats from the Constitution. At the end of February, the Fifth Plenum of the Eleventh Central Committee passed a motion recommending the elimination of the Four Greats. On April 14, the standing committee of the National People's Congress did likewise. Finally, in September, at the third session of the Fifth National People's Congress, a resolution was adopted revising the text of Article 45, thus finalizing the process.

16. Although democracy movement activists and publishers took the promotion of a revised publications code as major tasks in 1980-81, such a code was never issued. The unofficial periodicals were consistently stymied by the official policy according to which the long-outdated 1952 Regulations on Registering Publications were still in

force. Under those ("pre-socialist") regulations, public sales of private publications were forbidden unless guarantees from two private printers (none of whom were any longer in business) were obtained. Details on the attempts by unofficial journals to strive for a publications code are contained in Stanley Rosen, "The Democracy Movement in Guangzhou," paper presented at the Assoc. for Asian Studies Annual Conference, 3 Apr. 1982.

17. See above, note 4.

18. This essay, comprising 86 large pages, was written in May 1976, but was not published until 6 June 1979, when it appeared in *April Fifth Forum*, no. 10. It has been reprinted in the series *Wuchan jieji minju geming* ("Guonei minkan").

19. Xiao Qian was a writer, translator and editor who had criticized the regime in 1957, and was then removed from the editorial board of *Wen-yi bao*. He was rehabilitated following Mao's death. Xiao spent a year (1979-80) at the University of Iowa, and travelled around the United States. He wrote a series of articles on the U.S. under the general title "Meiguo diandi," which were published in *People's Daily* and later as a book called *A Faded Color Photo Album* (*Yeben tui-se de xiangci*), Sanlian Shudian (Hong Kong) 1981.

During the same general period, numerous other essays evaluating the American system of government appeared. See Seymour, *Fifth Modernization*, Section 12.

20. Yang Guang, who was born around 1950, is mentioned several times on these pages. His vacillating role in the democratic movement is striking. Only limited information is available about him. The following is a paraphrase of part of an article by Lu Lin which appeared in the 9 September 1979 issue of *Exploration* (i.e., before Lu testified against Wei):

"Yang Guang led us through many crises. He impressed me most with his firm confidence in the democratic movement and his unflinching courage in the face of difficulties.

"Yang had been a student of physics at Beijing University, class of 1977. He was arrested by the Beijing Municipal Public Security Bureau on the evening of 22 May 1979. Five days later, he was put in No. One Prison (44 Niu Street, Xuanwu).

"He had been born to a family of intellectuals. His father was an engineer in the Ministry of Light Industry, and had studied in America. Today his father is a translator. When his mother was alive, she also did translation work. Yang Guang attended elementary school in Sanlitun, Beijing. During the Cultural Revolution, he accompanied his parents to Anlu County, Hubei. Here he graduated from a middle school in 1971. He was a brilliant student. At the end of 1971, he returned to Beijing with his family. He was among the first to attend high school after the outbreak of the Cultural Revolution. Although conditions were chaotic, he managed to study a wide variety of subjects, including foreign language. Later, he was (*Notes continue inside back cover.*)

How merciful! They decided not to follow up on what basically was not a crime. What else could I do but shed tears to show my gratitude and tremble to show my timidity?

Classified Information

In Chinese society news often comes through the grapevine. This is because in Chinese society the people are not allowed to know many things. Foreigners have learned about Chinese conditions much more than the Chinese themselves. The Chinese people have a way to remedy this news blockade; they spread news through the grapevine. We of course are the recipients of a good deal of such news. This is partly because people are willing to tell us, and partly because we are in need of reference material for our estimation of situations. Furthermore, some of the grapevine news is truly undiluted "internal news." For instance, I learned quite early that Wang Dongxing and Wu De¹⁴ would be ousted from the Politburo, that a number

NOTES 15-20 APPEAR ON THE OPPOSITE PAGE.

of government leaders would be relieved of their positions, that the problem of "Democracy Wall" would be resolved before the New Year, that the "Four Greats" would be abolished,¹⁵ and that the "Gang of Four" would be tried publicly. There was other news that has yet to be verified, such as that the Publication Code would be promulgated in 1980,¹⁶ and that the unofficial periodicals would be registered.

The interrogators attempted to use this type of problem as an opening wedge to induce me to tell them the sources of the grapevine news. I knew their intention was mean and tricky. I would be in a dilemma if I mentioned any news; if I did not tell them the source, I would be put in the disadvantageous position of having manufactured rumors and disturbed people; if I should tell them the sources of the news, then I would be bringing the Public Security Bureau down on their heads and giving the Public Security Bureau a new breakthrough. Therefore I adopted [the policy] of denying knowledge and refusing to answer. However, there were several items which they knew very clearly, perhaps owing to the contribution of planted "special agents" or bugging; they would never let go on those items.

The first item concerned Tang Roxin of the Central Research Office of the [Youth] League. Tang Roxin had talked with me several times. The Public Security Bureau insisted that Tang had told me news obtained from inside the Public Security Bureau. Moreover, in order to induce me to talk, the interrogator told me that when he asked about this matter, he was not against me; he was against those who leaked secrets. He said that some cadres, even cadres of quite high rank, were always supplying us with news; steps had to be taken to stop this kind of behavior by these people. They wanted me to see it in the overall perspective and help them. I believe it when he said they were against those who supplied the news, because the Public Security Bureau harbored no good feeling toward anybody who was supportive of democracy; if it could punish, it would never let anyone off lightly. In the process of dealing with the Public Security Bureau, I further strengthened my earlier view: The Public Security Bureau was a conservative force; it lacked enthusiasm for reform; it was most efficient in its beaten track. When they failed to find out from me the circumstance of Tang Roxin, they most likely went to see Tang Roxin with their organization's shiny sign post. To sum up, they were able to repeat every word that Tang Roxin had said to me, and they told me that Tang Roxin had acknowledged that he had told me about the internal conditions of the Public Se-

curity Bureau and, furthermore, that Tang had also told them the circumstances under which he talked to me.

Tang Xin, correspondent of Beijing Daily, was also the object of their attention. In 1979, following the promulgation in Shanghai of the six-item circular on public security, Beijing Daily also announced the six-item circular passed by the Beijing Municipal People's Council. Before Beijing Daily's announcement, I had already known about it, and I had also revealed the news to the insiders of April Fifth Forum. The police therefore suspected that it was Tang Xin who had told me the story, and they forced me to corroborate. It was a fact that I had learned about the news beforehand, and I think the policemen definitely learned about this from certain people within our organization. But I could not recall who it was that told me the news. How could I just arbitrarily point out anybody as the guilty party? I had not prepared beforehand that I would someday come to the Public Security Bureau "to redeem my crime by some meritorious deeds"; I therefore paid little attention to the gathering of evidence which would be useful at such a time; after I finished using certain materials, I just forgot about them.

Most ridiculous was the event concerning Wang Yun'an of the theory department of People's Daily. Xu Wenli, Lu Po, and I, having received an invitation from Wang Yun'an, went for an interview at People's Daily. At that interview we conversed at random, and we did not focus on anything; after the interview, Wang asked us to write a few articles. We did write several, but we did not send them in; we published them in the April Fifth Forum [instead]. Because of this, the interrogator asked me many times if Wang Yun'an had leaked any news; in this instance, he had no idea of the content of the news.

This type of interrogation took up a lot of time, but it can be said that the Public Security Bureau reaped only the minimal harvest. I completely agree that the interrogator's suspicions were not entirely groundless. I had indeed obtained something from the official sector or from representatives of the official sector. I'll give a random example here: There was this person of official position, having also special position in society, who declared to me clearly that he was entrusted by a certain national leader to come to understand us; he even went so far as to hint that we should go to work at the central organization of the League to get involved in youth work. Was it necessary for me to tell the Public Security Bureau things of that kind? If it is suggested that the task of the Public Security Bureau was to find all the people who had supported the democratic movement, my task, then, would be to protect them and not let the Public Security Bureau know about them. In reality, aside from some careless leaking of some top-secret news, which could be defined as a violation of the law, over ninety-five percent of the conversation was normal, and there was not the slightest necessity to keep it secret. It was only because the Public Security Bureau was accustomed to putting tight shoes on people's feet [abusing its power and causing people to suffer] that people were unwilling to have any relationship with them; on the other hand, they had no need to know.

Publication in Hong Kong

The interrogator was also curious about periodicals such as Today, Spring in Beijing, and Fertile Soil, but there was nothing to talk about.

In the beginning of 1979, an article by Jiang Beiyu describing the life of the national hero Yu Luoke¹⁷ was published in Zhengming [Contend], a periodical in Hong Kong. The interrogator suspected that that article had [actually] been written by Yu Luoke's sister, Yu Luojin, for Zhengming, and therefore he

tried to verify his suspicion through me. Yu Luojin has written an article of similar content, which was published in the September 1979 issue of the April Fifth Forum. The article publishing in Zhengming was written by another friend of mine. This I knew, but I did not tell this to the Public Security Bureau. There is not a single law which restricts Chinese people in writing articles and in having them published in periodicals abroad.

In China, when one wants to publish an article, one has to follow the likes and dislikes of the propaganda and information departments; otherwise, it is difficult to get the article published. Aside from the newspapers and periodicals unilaterally controlled and managed by the official sector, people have no opportunities to publish. This is so even if the article is straightforward, objective, and relevant. Therefore, if the manuscript can be sent abroad, and if we can let the voice be heard around the world, and let the entire world judge whether it is reasonable to suffocate that voice, this way of doing things is beneficial and blameless. As far as introducing the martyr Yu Luo is concerned, it should have been done earlier.

The life of Yu Luo had been presented at the Chinese People's Political Consultative Conference by a member who was full of a sense of justice and whose tears streamed down as he spoke of Luo, and the listeners also sighed and sobbed. The shouts for Yu's rehabilitation reached the skies. Clear thinking, carefully logical, daring to face reality and shed his blood, and daring to challenge the whole world single-handedly, Yu Luo was a backbone of the nation. In the days of the "Red Terror" when many people were trembling and when even more people were so enthusiastic that they almost fainted, he alone had courage and wisdom. With his weak vocal chords, he made a sound that could be heard by the entire society, and he paid for his words with his life. But history has proved that this victim was right; in the days when everybody else was drunk, he soberly pointed out the absurdity which was turning the world upside down. He is gone; he has been gone for many years. His gravesite is deserted; there are no fresh flowers, no green grass; only a solitary wild goose occasionally calls sadly on its north-south flights....

Therefore, after the effort to rehabilitate Yu Luo had gone on for over a year, and when the effort was like a difficult labor [in childbirth], somebody felt very indignant and sent a manuscript to Hong Kong, to enable Yu Luo to meet with people of the world at an early date. Wasn't this the common hope shared by the people who had a conscience and a sense of justice? I don't understand the intention of the Public Security Bureau when it tried to search for the author of the manuscript....

The Question of Chen Erjin, Chen Sizhou, et al.

[(Editors' summary of omitted portion.) Chen Erjin, of Yunnan Province, wrote a book entitled On the Proletarian Democratic Revolution,¹⁸ in which he discussed the problems of a socialist society — such as the existence of a class of bureaucrats — and possible solutions to these problems. He was put into prison for his writings. Released in 1979, he went to Beijing to seek an audience for his ideas. After being rebuffed by various officials, he turned to the people's publications. April Fifth Forum helped him publish his book, which was over 100,000 words long. Following this, people associated with Forum personnel found Chen a place to stay. When this was discovered, the authorities tried to thereby discredit Forum.

Chen Sizhou, from Inner Mongolia, advocated reforming China's economy. When the Public Security Bureau discovered an essay he had written on the subject, they lifted one sentence out of context and changed its meaning.

The interrogator asked about our correspondents in Guangzhou (Wang Xizhe), Qingdao (Sun Feng), Tianjin (Liu Shixian), and other places.]

"Acknowledge Your Mistakes!"

"You have a clear head, and you have your own viewpoint," said the interrogator. "You can accomplish much. We also believe that you will accomplish much. Don't you warmly love your race and country? With the main consideration our race and country, I believe that we can find a common language. We have been wondering all along whether we have the basis to sit down and discuss calmly. The basis for our discussion is 'stability and unity,' and the four modernizations and construction. I trust you also approve of 'stability and unity' — " and so forth; there was a lot of talk. Finally, he broached their true purpose: "We don't want to let you lose your opportunity to serve the people. You may return to society. But you must recognize your mistakes. I also have to have something to report to my superiors. I certainly cannot say to my superiors that you left as you came in, without having been subjected to any education — It was not that we wanted to give you, Liu Qing, trouble. It was really you, Liu Qing, who was giving us trouble. When we arrested Wei Jingsheng and Fu Yuehua, in what way did that concern you? You made speeches and said that we were not following the law; what did the "Star Art Exhibition" have to do with you? It did not concern you! You participated and organized for the demonstration. This time it was again you who came to disturb our heads; it was not we who tried to get you. You have been at odds with the Public Security Bureau in every way." What logic! It is as if when you are not hurt, it does not concern you. As to whether other people are being attacked, or whether they are attacked with justification, these are the concern of [the Public Security Bureau]; other people in society should not be involved in such frivolous things. Even if they are taking away your things and arresting those who have helped you, you have to endure; you must not go forth to ask for the reason; otherwise you will be accused of "bothering the upper echelons," or even "holding [them] responsible." I could not help laughing. The interrogator had discovered long ago that I did not have much interest in his statement, but he persisted anyway. It was funny that he even designed a thinking process for me to conduct self-examinations. "You must not be impatient; you must listen to me to the end. You must realize your need for self-examination. When you try to find fault with us, you are showing your dissatisfaction with the Party Center which is now headed by Hua Guofeng; you are also showing your opposition to the current policies and line and that you are basically hostile to the socialist system; objectively, you are destroying political stability and unity and having an impact on the realization of the 'four modernizations.' You must examine yourself in depth in this regard. I hope you will return to society as early as possible to serve the people and to accomplish something."

This was not the first time that the Public Security Bureau insisted that I examine myself so as to attempt a breakthrough. Previously, when I had concealed my true age when I entered college, and when I filled in the permission slips for sickleave from my unit myself, I was forced to write self-examinations. Now that these two things were being questioned by the Public Security Bureau, it was like killing the chicken with a huge ox cleaver; it was ridiculous. But the Public Security Bureau did not feel that they were wasting their great talent on trivial things; they were, instead, getting hold of aged sesame seeds and rotten watermelons and would not let go of them; obviously, "the drunkard's ulterior motive was not in the wine." They intended to use this as an opening wedge, and then they would enlarge the conquest. They certainly quite frankly expressed

this hope of theirs. When they asked me to write the two above-mentioned self-examination questions, they said that if I found something that should be examined and something that I should tell them, such as thoughts and cognition or a wrong attitude toward thoughts, I should write them down. I wrote self-examinations on the two above-mentioned incidents because they were really quite embarrassing, in spite of the fact that writing a self-examination for the Public Security Bureau was like writing an essay on the wrong topic. I did not respond directly to this hint, which was in fact the main topic; I wrote, "I don't have any mistake in my thinking; furthermore, the Public Security Bureau is not an educational institution, and I have no intention of discussing the problem of correctness and mistakes with policemen. Right or wrong is not the object of the law and is not the content of juridical organs." They found their circuitous strategy defeated in two attempts; finally, they could only mount a frontal attack. I knew from the very beginning that what they wanted was a "confession" acknowledging my "wrong thoughts," so that they could rest in peace. Their repeated questions about my friends were made with the intention of having me say something betraying my friends in a moment of weakness, to make me into a "soft preserved egg," and to walk toward a precipice.

But, just as I said earlier, my compromise was principled. Only because I wanted to get back to society as early as possible to expose them did I give them an opportunity to get off the stage with sufficient face. Now that the Public Security Bureau tried to convert my compromise into surrender, they were truly out of their minds. However, my original estimation and the Public Security Bureau's attempt were in great contradiction. In vain had I made my unwilling compromise; I had tacitly acknowledged the interrogators' position.

My interrogator stated quite clearly the Public Security Bureau's intention: "Liu Qing, you are not merely an individual. You are a man with influence! You have a great capacity for action! You have been in touch with many people of the various strata in society. If it were only a problem of one single individual, we could have ignored you completely and let you go. But now the issue is larger than you, so you must acknowledge your mistakes."

They could not have stated it more clearly; it was not a problem of whether there was a law or not, but rather it was whether there was to be a great impact or a small impact. To have a great impact meant that I would not be readily released; I must be made into a miserable dog with a broken spine, so that even if I was returned to society I would not be a threat to the Public Security Bureau. To have a small impact meant that since I could not do much anyway, it was all right to release me. In this case, impact was crime, and "necessity" was the mother of the "law." — When can our fatherland change this kind of thinking? I felt honored that the Public Security Bureau considered me to be a person of so much influence that it wanted to beat me until I knelt down to beg mercy, and acknowledge error and concede defeat. However, in this world there is not yet a force which can accomplish this feat. There are only two ways to make me admit defeat: one is to prove me wrong in theory, and the other is for me to be proven wrong by the unfolding of history. Aside from these, no political party, group, power structure, or leader with great virtue and reputation can accomplish this. I could only sneer at the attempt to control thought with force and to undermine conscience through bribes. It would of course have been good to return to society; however, if it required me to lose the essence of humanity or to repudiate myself in front of autocratic power without proper procedures, then I would rather spend the rest of my life in prison!

Contrary to my intention, the strategy I devised to let the Public Security Bureau get off the stage without losing face by a certain degree of compromise on my part collapsed totally. At this point, I only had one road left, which was to appeal to the judicial department regarding the illegal activities of the Beijing Public Security Bureau. Of course, to do this did not have too much significance; it could lead to nothing. But at least it would clarify this point: Did the judicial sector in China have law as its standard or was it only an appendage of power or a barometer of political trends? I could then prove to the people the necessity of the democratic rule of law and the reform of the system. This was the only thing I could do at that time. In any case, it would be better than doing nothing.

Right after I was detained, I asked for pen and paper from the authority that detained me, for I wanted to utilize the right given to me by law to file charges against the Beijing Municipal Public Security Bureau. With various excuses the detention house never gave me pen and paper; likewise the interrogators were full of irrelevant excuses. After I decided to adopt a strategy of a degree of compromise I no longer talked about accusing them. Now, I asked for pen and paper from Liu Jingyu, chief guard of no. 2 cell block who had acknowledged that locking me up was illegal. Liu gave me pen and paper and said to me that the personnel in the detention house forwarded their observations to their superiors every few days and they [sometimes] requested prompt solution or supplementary measures [to expedite solutions]. On January 21, 1980, about three or four days after the conversation during which the interrogator refused to accept my compromise but insisted that I give in, I handed to Liu Jingyu my letter to the Beijing Municipal Procuratorate accusing the Beijing Municipal Public Security Bureau. Later, according to Liu Jingyu, this letter was forwarded upward together with some explanatory materials of theirs. I waited patiently for more than two months, and I heard nothing. Furthermore, even that white-haired interrogator who had incessantly interrogated me ceased to show up. The interrogation held on January 18 was the last time he showed his face; after that, he was not to be seen.

After more than two months I tried many times to find out the situation from Liu Jingyu; but he avoided me. Even when I ran into him at meal-distribution time, and after he readily agreed to talk to me, he later pretended that he had forgotten, and he did not talk to me at all. Finally, I could stand no more; I began to scream loudly in my cell; then Liu Jingyu had to come to me, and we talked. First, he told me that my document had been forwarded to my superiors and that they had not gotten any response, although they had made many requests. He said that he understood my urgent need to know, and he knew that I wanted to talk to him about this particular thing; since he had nothing to tell me as he knew very little about what was happening, he could only adopt the attitude of avoiding me. He only had the power of reflecting the situation to his superiors; he could not open the gate and let me go. Before, I had been quite agitated because I thought all the policemen were intentionally making things difficult for me; after his explanation I calmed down. I asked from him some fifty to sixty sheets of paper. This time, I was not writing to the Beijing Municipal Procuratorial organs, because they were not trustworthy. I wrote a letter of accusation to the Supreme Court of the People's Republic of China and another to the Supreme Procuratorate. The content of these letters was more detailed, and each letter had more than twenty pages. By the time I finished writing these letters I was already transferred from Block Two to Block Seven where I was detained in a big cell together with several others. On April 5 I gave the two letters to the kind guard named Yuan of Blocks Six and Seven. Again, ten months have gone by and I have heard

nothing; the two letters were like clay oxen put to sea, never to be heard of again.

According to the relevant regulations in China, any unit, after receiving written accusations, has to treat the matter very seriously no matter whether it is within its jurisdiction. If it is within its jurisdiction, it should take care of it promptly; if it is not within its jurisdiction, it should forward the matter to the relevant unit. Irrespective of the result of the disposition of the case, the unit has to respond to the letter writer within two months. My letter accused the Beijing Municipal Public Security Bureau of illegal detention of a citizen, of carrying out trial and forcing confession, of fabricating documents to detain people, of imposing solitary confinement and other oppressive crimes; all these were within the authority of the court and the procuratorate; however, there was no response.

There were several possible explanations for this:

1) The Beijing Municipal Public Security Bureau knew that it was wrong, and therefore it kept the letter without forwarding it.

2) The judicial unit that received the letter tried to protect the other official organs; it did not want to have a hand in the accusation against the Public Security Bureau; it adopted the attitude of paying no attention, or adopted the "delaying attitude" of letting the documents go on traveling, or even delivered the letters of accusation to the accused. No matter which condition prevailed, I in fact became a person without the protection of law, a person without the right to accuse or protest; I had come into the hands of the Public Security Bureau, and I had to let them dispose of me.

3) The plan to detain me came from a higher level in the power structure or was owing to the directive of some important figure.

I said earlier that one of the factors for the public security departments to be arbitrary in their violation of the law and to be fearless in so doing was the fact that people who were under the power of such public security departments, whether they were wrongly accused or not, had no way to make contact with society, to tell the outside world of their own fortunes or misfortunes, in order to mobilize social forces to be concerned with the wrong accusation and to criticize and to stop the law-enforcement organs in their illegal and oppressive activities. Because of this convenience, whenever the law-enforcement organs violate the law, there is no possibility of stopping them. After the event, in most cases, people consider what happened to be their bad luck, and they also understand that there is no way to talk reason with policemen; you recognize this "truth," and rest your case. When there are people who refuse to accept the treatment and appeal to higher authorities, the policemen can always claim to have correctly disposed of the cases so long as they can find a little mistake, or even a mistake that was committed long ago and had no relation to the case at hand. Even in the cases when the circumstances are extremely ominous and when the violation of law is very obvious, and when the police cannot find any justification to incriminate people, the policemen will only go through the paperwork and declare that the matter has been investigated and is finished. This kind of situation, when there is no way to stop proceedings, and when there is no way to reprimand, has enabled the law-enforcement personnel to dare to ignore the law, simply out of spite.

Those who appreciate detaining people and having them isolated from the outside world might say that doing things this way facilitates interrogation and investigation, and prevents witnesses from cooperating and corroborating with each other, and prevents the fabrication of proof and that all this helps the smooth carrying out of public security work. However, the

groundwork to solve the case should have been done before any person is arrested or detained. Only after there is sufficient proof to convict or sufficient reason to detain can there be arrest or detention. How can one hope to collect criminal evidence at a leisurely pace only after arrest or detention is made? Moreover, if the arrested should try to fabricate answers and destroy evidence, they would provide new evidence of crime; this is to be expected. In sum, such statements do not hold up; this approach only causes the arrested or detained to be put in a completely powerless and hopeless position, and causes the policemen of the public security bureaus to become gods of limitless power. This situation makes one regard the American movie "Nightmare" as a portrayal of the true life in China.

In fact, I have some understanding about China. Before I wrote the letters I already knew that the letters would not bring any result; they would only stimulate the hostile psychology of the Public Security Bureau toward me, attract even worse oppression. After repeated consideration, I still wrote the letters. With my own personal experience in oppression and in the lack of protection by law, I wanted to point out to society that there was too little supervision over the law-enforcement organs by the people. The situation of the law-enforcement sector cannot be free from any restraint. At the same time I also wanted to explain that the reason that I wanted to bring charges before the "court of society" was that the court of the state failed to protect me and my rights as a citizen. Today, when democracy and the rule of law are greatly emphasized, we naturally ought to call this to the attention of every citizen, for if the law-enforcement agency intentionally deprives a citizen of his legal right, it also means that it can deprive any citizen of his or her legal right; it doesn't matter if you are a venerated and prestigious citizen today, tomorrow you might become a prisoner without the protection of law.

Some people might fault me for having only written one letter to each of the different levels of judicial organs, and for having failed to continue to write without stopping, and for having no hope of running into some "blue sky" [honest judges]; others might blame me for having taken such a radical course of action, which is contrary to the traditional gentleness and honesty of the Chinese people. To tell the truth, I originally did not intend to write any letter to judicial organs. There were entirely too many cases of "kicking the ball" and "traveling files" that I heard and saw. When some ordinary people were subject to punishment for no reason at all, they would endure the injustice for years or even for decades. People traveling long distances to the provincial or national capitals, traveling night and day all over the place, arrested or detained in an unkempt appearance, hungry, bitter, and weeping to the wall — these I have seen often. So how about me who, although not having committed any crime, does look like a person who is "unfilial and disrespectful of elders!" You might sincerely say that "even if he is killed by mistreatment, there is no injustice done," and if I have not been killed by mistreatment, I naturally cannot say that I have suffered injustice. Therefore, I don't have the patience to petition incessantly. When I did write petitions once, my aim was to give a hint [in anticipation of future developments] in order to give witness to the way law-enforcement organs perform their rule of law.

In addition, I have never appreciated that kind of behavior of perpetually requesting and perpetually petitioning. We are already wronged; there is already injustice done to us. Do you suppose that they will allow us to go all over the place to beg for mercy, to have us exonerated and rehabilitated? Many of the cases of injustice are quite obvious; when measured against the law, they can be clarified. So why should we go all

over the place to beg for mercy? Is it for the purpose of keeping the "face" of those who have manufactured the unjust cases, to enable them to relax, and to sit in high places with a dignified manner? Is it for instructing those whose families are scattered, whose families are broken and members dead, who linger at street corners, and those who are exposed to wind and dew and have experienced bitterness of that sort, to understand deeply the principle that officials are not to be contradicted? What people's interest is this type of political power protecting? Those who are oppressed: let us protect our legitimate rights. If they do not punish what should be punished, and if they do not protect what should be protected, we will charge them publicly; not only will we accuse oppressors [at the lower levels of an organization], we will also include their superiors; we will mobilize the force of society to punish and to restrain them. Surely we need not delicately preserve the face of the oppressors. Indeed, we can be fierce and merciless. What we need here is not pity and kindness, but steadfastness; we should meet them head on. In dealing with the bureaucratic and autocratic behavior in China, the court of the state is weak and without strength; only by learning adequately how to use the weapon of "the court of society," to cause "the court of society" to force the court of the state to function according to law, to fulfill its responsibility, can there be results. Of course, newspapers today have also criticized bureaucracy, autocracy, and all kinds of improper work styles in general principle; this is very important. But criticism based on general principle must be matched with concrete exposé in order to have force. Without concrete and timely exposé, it is like having merely promulgated the law without applying measures of enforcement; this would not make people fear and stop.

From the perspective of the meaning of "the court of society," I am opposed to "the abolition of the Four Greats." I especially do not agree with the abolition of the big-character posters. The alleged reason for the abolition of the Four Greats was to eliminate the phenomena of irresponsible speeches which accused and discredited people without basis and which accused innocent people of major crimes; the step is supposed to eliminate the factors causing turmoil and instability. It has been said that there were more bad things done in the name of the Four Greats, and nothing good came from them. In fact, those phenomena should not be attributed to the faults of the Four Greats; their responsibility should be borne by the judicial sector of China. The Four Greats have never allowed accusing and discrediting people without basis; they have always believed in struggle through reasoning. The same thing could be used by Zhang to benefit society, and by Li to murder people. What is wrong with this? If we want to eliminate murderous incidents, we should proceed to punish the Lis, and we should teach society not to follow their example; we don't need to eliminate [everyone's legitimate rights]. If it is owing to the lack of effectiveness of society's rule of law and of the judicial organs in the treatment of the Lis, then the problem is in the improvement of the rule of law and in the strengthening of the rule of law; it should not be the elimination of [the Four Greats]. When people are guilty of accusing and discrediting others without basis and of accusing the innocent of major crimes, then they are guilty irrespective of the manner in which they have committed the crime; orally, in letters, or in the big-character posters, they have committed crime. Those who have accused and discredited others without basis can likewise be convicted; why should one stop eating just because one has hiccoughs? One could accuse and discredit others without basis by mouth and by writing letters; should we therefore seal up all the mouths and eliminate all letter-writing?

As I said earlier, the courts of the government of China are

weak and without force in dealing with bureaucratic behavior at present; only in "the court of society" can there be effect. However, "the court of society" requires certain forms to protect its existence. In general it can be said that the more democratic the nation, the more perfect is its "court of society." In the democratic countries, the people are facilitated and given power; in the undemocratic countries, the bureaucrats are facilitated and given power. "The court of society" in the Western world is relatively perfected. The perfection comes through having strong informational organizations and through the form of freedom of speech that any viewpoint can be publicized. In "Jottings on the United States of America," Xiao Qian states¹⁹ that in the U.S. people in general are very free; within the limits of law they can say what they want to say and do what they want to do; compared with the people, officials are very cautious; they must pay attention to their demeanor; they would never dare show bureaucratic airs. This problem explains that "the court of society" has a great role in the elimination of the accumulated bureaucratic habit.

In China, the newspapers are controlled by one single group; they publish only the views of this one single group along with occasional slightly different viewpoints which manage to squeeze through. This causes the people to have no channel for "the court of society" to express their will and hope and the injustices they have suffered. After an effort of many years, people squeezed out through a little crack on the iron fence which normally had put "the court of society" under lock and key; this crack was the big-character posters and the unofficial periodicals. Now, with the Four Greats abolished, the unofficial periodicals are in danger; that little crack is also gone. Please let me ask, how can the people's lawful power be realized? From now on, if there are cases of injustice and different viewpoints, how can they be brought to "the court of society" to have the people judge? Should the people rest their hope only in the favor bestowed upon them [by the superiors], or rest their hope in the future? Should they just wait for years or decades?

The newspapers print only the views of the single group which controls them, along with occasional slightly different views which manage to squeeze through.

Should they wait until the coming of an uncorrupt official, or until the time when [the leaders] realize that they have been wrong in their policies and therefore there should be a society-wide movement to rehabilitate [political offenders]? Furthermore, how can we get rid of the accumulated bureaucratic habits? Are we going to depend only on another group of people with deeply entrenched bureaucratic habits? Are we going to depend on the method of killing "chickens" now and then so as to frighten "the monkeys"? Are we going to depend on patient theoretical enlightenment only? Right now, society, the Party, and the nation all have the good hope of eliminating the bureaucratic and autocratic work style. But the important problem is not in the hope; it is in the method to realize the hope. If we only have hopes but no method to realize our hopes, our hopes will remain fantasies. Now when we are talking about the elimination of bureaucracy, we are not developing or improving the methods for the elimination of bureaucracy; on the contrary, we are killing these methods. How can we say then that our hopes to eliminate bureaucracy were true and sincere and not the opposite? In addition, the so-called democracy must first have the [institutional] forms [fangshi] for people to express freely their opinions and hopes. If there is

no place for the people to express their own hopes aside from the forms of official newspapers and periodicals and information organizations, can we call this democracy? It seems that it is more suitable to call it "bossing the people."

To sum up, to abolish The Four Greats is not to improve The Four Greats; it deprives people of their last recourse to express their opinions and hopes, and it can only benefit bureaucracy. From now on, the oppressed people can only kowtow in all directions to beg for the reduction of oppression; they can only have the power to beg for [the superiors] to bestow upon them the favor of allowing them to live. There is no longer any ability to initiate resistance and to accuse the oppressor; if there should come along an uncorrupted official, it is naturally good; if not, then there are only two roads open: live with insult and humiliation or die. At most it would be dying by hanging oneself in the backyard of the court to show some protest.

Actually, the abolition of the Four Greats has not been complete. Among the rights endowed by the Constitution to the citizens there are still the freedoms of speech, demonstration, assembly, and strike. The Four Greats are only a reasonable deduction from these citizens' rights; only the item which permits posting big-character posters everywhere is considered

having exceeded the limit.

In a truly democratic society, any individual citizen has the right to criticize cadres; he especially has the right to accuse the cadres for their oppressive actions toward him. Democratic systems must guarantee people the opportunity and the forum to criticize and to accuse, so that if one day a person cannot get just treatment from the courts of the government or from the inner circle of the unit to which he belongs, or if appeals are useless, he can reach out to society and depend on social forces. Can we do this in our contemporary society? When the official newspapers and periodicals disagree with your articles, your voice will be like that in a vacuum; it will make no sound. (I believe that for every thousand letters of this kind there are no more than five letters that are fortunate enough to get published.)

Therefore I would hesitate to endorse the abolition of the Four Greats. I cannot agree with this method which is like refusing to eat food again because of hiccups. The reasonable method is to study the good points and bad points of the Four Greats, to institute legal measures and to get rid of the shortcomings.

I have strayed from my subject. Now let me return to continue to talk about the prison.

Part III: Colleagues

It was useless to struggle against the illegal activities of the Public Security Bureau when you were under their authority. The only result was defeat; even in society, what you could get was only moral support. The current situation proved that I would not be able to get the protection of the law. This small and weak individual that I was; without the protection of the law, faced with the "boundless prestige and force" of the dictatorial machine, and unable to transmit my voice to society to win over sympathy and support, I could only tread the road of defeat. They had the power to dispose me at their will; they surely would prepare to have me at their mercy. But I still wanted to make an effort; I had to struggle until I was beaten; I could not wait for defeat. I wanted to expose at every possible opportunity how the Public Security Bureau had destroyed the Constitution; I wanted to tear down their magnificent facade made of law.

The third day after I got angry at Liu Jingyu, I was transferred from the high-class block, Block Twelve, of the detention house to the big cell which was full of prisoners. I thought that this was a very important change, an indication that I had been promoted. Previously when I was in Block Twelve, when the guards helped me to seek permission to have a cell-mate, I was denied permission; today, they suddenly put me in this large cell of more than ten inmates; this was an indication that something had changed. When they failed to get results from me by either soft or hard measures, they were now ready to attack me. I consulted with the second assistant of Kuai Dafu, and he thought that there was the possibility of the announcement of my arrest. This was what I at the time truly hoped for because if they should do that I would at least have the opportunity to argue in court and would be able to cite articles [in law codes], and I would have no need to argue with the Public Security Bureau as to what was right and what was wrong. It could also be that [the move] was still a component part of the Public Security Bureau's highly oppressive and devious method; their purpose was to keep up the pressure on me until I surrendered. They perhaps had regarded me as a very simple fellow and easy to deal with. I decided that no matter what the

condition was I would always without ceasing demand that the detaining authorities make known to their superiors the illegality of my detention, and demand that they carry out legal procedures. I told my friends in the same cell my situation and let as many people as possible know of the Public Security Bureau's violation of law. My telling produced certain results. All my prisoner friends felt indignant for me. Some of them even questioned the detention authorities. Of course, when questioned, the guards looked very uncomfortable; their faces turned red; they stared and could not speak. They either said that they did not know the circumstances or that there were always exceptions which were unavoidable.

In the final analysis my experience proved to be inadequate. I did not have sufficient understanding that the Public Security Bureau could employ certain despicable measures. I failed to realize that the Public Security Bureau did not need the law, but could find a loophole in the law to give me a fierce lesson. However, my prisoner friends in the same cell perceived that and thought about that; they had a more sober and comprehensive understanding of the Public Security Bureau. Yue Zhenping of Shilou Brigade, Shilou Commune, Fangshan County, who had been imprisoned for five years because of a baseless accusation; Jia Mao, who remained in jail because there was no way to solve his rehabilitation problem; Li Anjiang, who had been imprisoned for six years because of speculation and profiteering and the fraudulent purchase of controlled materials; Hong Tao, whom I mentioned earlier; and Yu Haibing, son of a cadre in the Seventh Ministry of Machine-building, reminded me one after another. Yue Zhenping could put it in the most lively way: "So you didn't make any mistake! Okay. So you have not violated any law! Okay. We will not convict you and give you a sentence. We'll send you to be educated through labor. As long as we regard the person as in need of education through labor, we can send him for labor education. This is in fact for your own good. Although you have not violated the law, you have the potential of making mistakes and violating the law. You are a dangerous potential mistake-maker and law-violator. Sending you over to be educated through labor will enable you to avoid making even greater mistakes." He angrily waved his

hand; with a slick and glib voice he concluded his statement: "My dear, for your health and for your safety I have to eat you up. Inside my stomach, you can rest with ease; you will be healthy and safe."

What they said proved to be correct. I shall discuss this problem later. I am most grateful to these prisoner friends of mine. Some of them were guilty while others were not. But when these people were squeezed into a little room, this distinction disappeared. They all became approachable people. Their help to me was very timely; they made me understand that the Public Security Bureau could not only be unreasonable and autocratic but also cruel; after I was awakened to this realization, I did not become utterly confused in the face of meanness; I remained calm.

I am also grateful for other things. My prisoner friends took care of me in my daily life. In the management of my life, I am not a person who can preserve a smooth front and not be subject to criticism. Often I cannot see the things that I ought to have done, for instance, how to keep my things neat and orderly. I never used to think of doing laundry when my bedding and clothes had gotten very dirty, for I was spending most of my time reading newspapers or merely sitting idly, or sometimes in debates. My prisoner friends in the same cell helped me clean my things thoroughly many times; watching them enthusiastically helping me open up the bedding and clothes to wash, mend neatly the many holes in my socks, I was very moved. They even helped me with several sponge baths. It was a pleasant feeling to have a clean body wearing clean clothes; I was made happy, and my mind worked more nimbly.

The best support I got from my prisoner friends was when I had a conflict with the guards as a result of my refusal to obey the policemen's humiliating rules. I don't know whose idea it was. Suddenly there was the rule that during the period when prisoners were let out to have some fresh air or to relieve themselves, they had to walk with their hands folded near their lower abdomens; in some cell blocks there was even the demand that the detained had to walk with lowered heads. I immediately informed the detention authorities that I could not observe that rule. I had two reasons: (1) I was not a criminal; I was illegally detained by the Public Security Bureau; all the rules of the detention house had no controlling authority over me. (2) Even to the convicted criminals, it was also impermissible to apply humiliating rules. This was clearly stipulated in the relevant laws. All the prisoner friends also in unison announced their disobedience. Of course, under the pressure of the guards they had to obey. But, when they saw that I was beaten because of my disobedience, they were all very angry. Some of them asked the guards why there should be illegal long-term detention and even torture when the person involved had not gone through the legal process. Yue Zhenping was very indignant, and he asked for pen and paper to write a letter to accuse the Beijing Municipal Public Security Bureau for its illegal detention and cruel behavior. The guards dared not return me to cell no. 9 of Block Six; they returned me to my small cell. Every time my prisoner friends in cell no. 9 passed my cell to go to the toilet, they always knocked on my door or said a few words to indicate their concern and to comfort me. The prisoner friends in cell no. 9 gave me a nickname: Chicken. This was because I was nearsighted; once when Yue Zhenping was holding a picture postcard depicting two chubby babies, I thought they were two chickens. So, when they passed by my cell they often shouted happily, "Chicken!" This was really a coincidence, because friends at Today also nicknamed me "Chicken," the reason being that I liked to argue; they said that I was fond of fighting just like a "fire chicken" [turkey].

My prisoner friends treated me very well; mainly perhaps because they had a good opinion of the people involved in the "democratic movement." Among them, whether guilty or not guilty, they welcomed liberation of thought, democracy in society, and strict rule of law. Many of them had certain depth in their understanding of the problems of society; however, when their own problems were being discussed, they became quite confused, and they substituted strong language for reason, it was most difficult to enlighten them with reason. This was to be expected. It was easy for people to forgive themselves; moreover, if they didn't, who else would forgive them?

[(Editors' paraphrase of omitted portion, in which Liu is critical of certain figures associated with the "Democracy Movement.") Yu Yi, of the Human Rights Alliance, had come from Manchuria to appeal to the authorities regarding a personal problem. He was arrested, but then released and given special treatment (a private room in a guest house). His performance must have met with the satisfaction of the police.]

[Yang Guang,²⁰ who testified against Wei Jingsheng at the latter's trial, used to be even more militant than Wei. Yang originally argued that intellectuals in official organizations were tools of the officials, and that the whole system was devoid of merit. When Wei was arrested, Yang loudly declared that people should take up weapons and fight until victory was won. In court, he claimed that his own ideas had been influenced and inspired by Wei. This is untrue; Yang's conversion from radicalism to submission was inspired by opportunism.]

When I was put into the small cell, my entire body was black and blue with bruises from the beatings. I was made to wear a gas mask which made breathing very difficult; the handcuffs cut deeply into the flesh on my back. This time I was not alone in the cell; there were two companions. One was called Lo Xinguo; he was a criminal convicted of theft and robbery and had escaped from Shaanxi Province to Beijing. The other was called Wei Rongling. According to his own statement he was a deputy section chief of a section in the General Political Department of the People's Liberation Army, and for a long time he was in charge of the work of protecting Zhang Chunqiao and Jiang Qing. Wei Rongling had lived with me before in cell no. 9 of Block Six. He told me that he had done labor for a whole year in the death block (Block Twenty-three). He told me many stories about those who had been sentenced to die. When he learned that I was Liu Qing, he told me something about Wei Jingsheng, and also a little about Fu Yuehua. He said that after Wei Jingsheng was convicted, he was not sent to the proper unit to serve out his sentence; instead he was kept alone in the death cell, and that Wei Jingsheng had handed him some material and asked him to deliver it either to me or to Lu Lin if one day he should obtain freedom; unfortunately, however, the material was found by a guard and confiscated, and because of this he had to endure some bad treatment. I didn't quite believe his words because when he told me about this it was already seven or eight months after the Higher Court had completed the trial; according to regulations, after a criminal was sentenced, he should be sent to serve his sentence in his labor-reform unit; how could Wei still be kept in the detention house? However, the dictatorship of the proletariat was utterly flexible; what Wei Rongling told me proved to be true. On July 1, 1980, when I was returning from being let out to get some fresh air, I came face to face with Wei Jingsheng; he was pale and thin. When he saw me there was an expression of bewilderment on his face; he was led by two interrogators and walked past me very closely.

I also met Zhang Wenho, the most radical member of the

original Human Rights League. In prison, he was also the most radical; he protested incessantly and disputed with the guards, and he was therefore caused to suffer the most. He was handcuffed behind his back for several months at a time; it was most difficult for him to eat, to go to the toilet, to sleep, to scratch his body when it was itchy all over, and to change his clothes; and it was painful too. He was also made to wear the

hat of tank operators and the gas mask; he had been beaten cruelly many times. He was locked up in cell no. 1, which was diagonally across from my cell no. 9. When we were let out to get fresh air, our two cells were unlocked one after the other; we deliberately walked slowly so as to be able to stay together for a little while, to say a few words or to shake hands.

Part IV: The Prison Camp

On July 21, two policemen came to tell me to collect my things; they said they would take me back to my work unit in Shaanxi. But they sent me to the reform-through-labor unit at the Lotus Flower Temple in Hua County in Shaanxi; it was also called the Second Brigade of Reform-Through-Labor in Shaanxi. Only after we arrived there did they announce to me that I would be doing reform labor for three years. The Public Security Bureau had gone that far; it had to maintain all its activities with lies. Probably the Public Security Bureau was an adherent of utilitarianism; as long as the end was good, there was no scruple about the means. But I believed that the character of the means and the realm of inner spirit were consistent.

The Lotus Flower Temple was originally a prison for reform through labor; supposedly the inmates were all convicts serving long terms. But now it was a big chop suey. According to the guards, there were five kinds of people: reform-through-labor [*laogai*] prisoners, prisoners who labor under detention [*juyi*], prisoners to be educated through labor [*laojiao*], forced-labor prisoners [*qianglao*], and prisoners who performed occupational work [*yefan*].²¹ The exterior of the prison was surrounded by gray walls, about five meters high. The walls were fully topped with electric fences. There were watch towers at the four corners, and armed soldiers walked back and forth. Inside, there were four layers of gates. Each gate was a barrier. These gates divided the prison into chessboard-like compartments. With the exception of the prisoners who performed occupational work, the other four types were distributed to live in these compartments. The work is heavy, transporting huge stones for example. Those criminals who were sentenced to do the so-called technical work were really doing light and easy jobs. The jobs that demanded pure hard labor were performed by those sentenced to do forced labor or by those sentenced to be educated through labor. In the [work] team it was often a criminal that was in charge, and the guards also trusted the criminals most.²² This type of trust, aside from the fact that the criminals were obedient and were there for a long period of time, was chiefly based on certain ambiguous relations between the guards and the criminals. Many people were in cahoots with the criminals and did many things behind the backs of others.

Criminals were those who had violated the criminal law; they were being punished by the law and were without citizen's rights. What was the difference between the criminals on the one hand and those who were sentenced to be educated through labor and those who were sentenced to do hard labor on the other (that is, those who have made mistakes, but cannot be punished by the law and accordingly are in possession of their citizen's rights)? After long consideration I came to believe that there was only one; that is, when the sentences are pronounced there is a difference in tones and pitches. I can give an example: The contents of "Rules Governing Criminals Undergoing Reform Through Labor" and "Rules Governing People Being Educated Through Labor" are exactly the same; only several pronouncements are changed. For instance, in the case of criminals, it

is demanded that they acknowledge their guilt and obey the law; what is demanded of those undergoing education through labor is that they recognize their mistakes and obey the instructions. Reform through labor, forced labor, and education through labor — what is the distinction between them? I am afraid that even the authorities cannot explain clearly because all three occur in the same environment!

According to the spirit of the Constitution, there are only two kinds of people in society: citizens who enjoy citizens' rights and criminals who are deprived of their rights as citizens. In reality in society there emerged a third type of people: those who were citizens in name but "criminals" without any citizens' rights in fact — those at forced labor and those undergoing education through labor. No basis can be found in the spirit of the Constitution for the appearance of this type of people; it takes only one piece of paper from the State Council to deprive the people of their citizens' rights. In other words, only the courts have the power to change citizens into criminals according to the law. If one day the Public Security Bureau is in control of the power to put people into the positions of criminals, to make citizens "enjoy" the treatment accorded to criminals, it is tantamount to opening "a second court" in society. That court could avoid all kinds of "complicated etiquette and customs," could forego all procedures and processes. If you don't like this person, this person can be regarded as needing education through labor and therefore can be sent out to get educated through labor; he will become a criminal without the title of criminal.

In their eyes, my crime was my political impact. "Necessity" now became the mother of the "law."

In addition, there is another convenient point; there is no need to appeal, that is, there is no need to investigate. When it is decided for him, he has no place to appeal, and he serves the sentence immediately; he is in worse straits than the criminal. The criminal has to go through the process of being arrested by the procuratorate, that is, the procuratorate has to decide according to the law whether an arrest can be made; then there is an investigation by the court to see if there should be a court trial and sentencing. Before the trial, the court has received the statement from the prosecutor and is informed; in court there is the right to defend. After the trial, if [the defender] should find the trial unjust or that there were discrepancies, he can appeal to a higher court for resolution. Even after sentencing, [a criminal] can appeal to the next higher level, whereas in the case of education through labor, you are not given the opportunity and right to explain the facts and to argue for your own defense from the beginning to the end. You do not need to say a word; you just follow nice and obediently; the Party arranges everything for you for your own good. Now

you have peace of mind; though a prisoner, you are not called a criminal. But you are in fact punished as a criminal!

Of course, I have not forgotten that there is an organization in charge of inspecting the [cases of] education through labor: the Commission on Education Through Labor. But this has one hundred percent ears of the deaf — it is a formality; the Public Security Bureau goes there to fulfill the required procedures; the power of decision is in the hands of the Public Security Bureau. Moreover the investigation bureau for the supervision of the work of education through labor is also only an empty facade. The unit of education through labor I have been assigned to has many individuals who are writing appeals to the procuratorate to explain the injustice and to request a just disposal of their cases; the investigation bureau without exception uses a printed form to state that the material has been received and forwarded to the original public security bureau, and that it is hoped that you will communicate directly with each other. If the supervision work of the investigation bureau is just like

“Many ‘counterrevolutionaries’ have been manufactured. The machine of dictatorship has escalated the conflict, making the people truly antagonistic.

receiving and dispatching mail, and is not conducting investigations to correct injustices and mistakes, then what is the use of having this investigation bureau? The existence of such conditions is owing to the fact that education through labor itself is a formless fluid. Isn't there a clearly written item that "those the Public Security Bureau considers to be in need of education through labor" can all be educated through labor? How can the decision-making power not rest in the hands of the Public Security Bureau? Education through labor is a legal loophole; it can put non-criminals in the position of criminals; it in fact is not subject to investigation and supervision, and it is only responsible to the Public Security Bureau itself. It provides the Public Security Bureau with a certain convenience; it enables the Public Security Bureau to have power to put any person whom it dislikes but who clearly has not violated the law under the "machine of dictatorship" to receive a good and hard lesson. Indeed, "if you aim to convict, you can always find the justification in law."

Education through labor has never been mentioned in any constitution; it is the antithesis of the spirit of the Constitution; it deprives the people completely of the citizens' rights stated in the Constitution. Nor is there any sufficient reason for education through labor to exist. There are serious and minor violations of law, and the punishments for them can be divided into light and heavy ones. Those who have committed major crimes can be sentenced to heavy penalties or even the death penalty. Those who have committed minor crimes or who have violated the law only slightly can be sentenced to a light penalty. There is labor under detention, strict supervision, detention, and fines. Why should there be so many varieties of crimes and punishments to enable the Public Security Bureau to have "an all-powerful metal rod" in its hand, to serve only its own interest, and to wield it over the head of any individual citizen?

A political authority which is truly supportive of democracy and the rule of law, which is a political authority truly protective of the masses of people and the basic interest of the society, should never endow the law-enforcement organs, especially the Public Security Bureau, with the rod to beat the people at will. We would be better off without that kind of "sword given by the emperor to enable the holder to kill without prior royal

permission." Why is it that Chinese people are in general very much afraid of government officials and policemen? I fear it has something to do with the fact that these people are truly in possession of "the all-powerful metal rod" and "the all-powerful sword given by the emperor to kill at will." Why is it that the people in many Western countries are not afraid of government officials and policemen? I fear this has something to do with their having no rod or sword in their hands and with the fact that their rice bowls are controlled by the people. Going back to the old saying, a truly democratic country on the one hand would not allow government officials excessive convenience, or on the other give the people the feeling that whenever they move they will be blamed and that they cannot do anything to help themselves.

At the place where education through labor is carried out, there are some surprising situations. The first kind concerns the people who had not violated the law or who had got into minor difficulties and were sent to the labor-reform organization just because their superiors or the Public Security Bureau were not pleased with them. For instance, the apprentice Shi Jinsheng of the Hongan Company in Shaanxi sneaked into an auditorium to watch some entertainment in his unit without an admission ticket; this is in fact a very common occurrence; it happens all the time in his company. Furthermore, usually, one half hour after the beginning of the program, there is no longer anybody at the door to collect tickets and people can go in and out freely. But that time it was different. Shi Jinsheng was caught and dragged to the front office and beaten up; because it was so sudden, Shi Jinsheng hit back. He was then sent to the Public Security Bureau to be locked up. Later, he was sent back to his workplace to be struggled against. His journeyman-master Yu Zhonghai saw this and was indignant. He uttered a few words critical of the shop superintendent and the security section. The result was that both master and apprentice were sent to undergo two years' education through labor. If Shi Jinsheng's behavior had been described as disturbing public order, the severest penalty would be temporary detention to educate him. How could he be "sentenced" to two years! The treatment of his journeyman-master was so callously infantile that even the guards at the second brigade of reform-through labor thought it unjust and loudly said so.

Any law or any institution has its value in the fact that it is above the authorities; it cannot be manipulated at the will of any individual or group; it has to be truly enforced. How can one fish for three days and dry the nets for two days [enforce the rules haphazardly]; most of the time there is nobody in charge or in control; then when the solution can no longer be postponed, a few "chickens" who have not committed any crime deserving of punishment are killed so as to frighten the monkeys. Can you really frighten the monkeys? How long could you maintain this?

The second kind includes people who have violated the law, and they deserve the sentence, even a very harsh sentence. But because their families include powerful individuals, their penalties are reduced to reform-through-labor. In addition, most of these people have access to back doors and webs of connections. They can carry out activities everywhere; the result often is that they can be bonded to leave the place for medical treatment, and they can go home to substitute for other workers or take over jobs, and thus shorten their period of education through labor. There was a guy who had broken down doors to rob people more than ten times and who had also stolen from the factories more than a thousand jin [1/2 kilogram] of copper bars. He ended up with only two years of education through labor, and he was negotiating everywhere; it appeared that he would leave before the term was completed.

The third kind includes individuals who have violated the law

or made serious mistakes, but who have been arrested by the administrative organizations or undergone "long-term investigations"; when finally it is recognized that they can be exempted from criminal punishment, they are released. But after a year, or half of a year, when circumstance change, the old debts are brought up again; they are sent back to education through labor to fill the quota of the stipulated number of people of "guaranteed completion." There was a person called Zhou Donglin. He was arrested and investigated because of robbery and thefts. After he was released he was most remorseful of his previous behavior and determined to reform himself; he even imitated Lei Feng by doing good deeds in society. How could one have known that after a year he would be again arrested and sent to be educated through labor? When asked what the reason was for his education through labor, the answer was the same cases of robbery and theft for which he had spent a year in jail. They said furthermore, if there was no debt, you counted the old debt. It seems to me that all these are like "mules turning summersaults"; the debt can never be completely paid off.

The fourth kind includes those who had truly made serious mistakes or committed serious crimes; but because the Public Security Bureau did not catch them in the act, or has only suspicion or circumstantial evidence, there is no convincing proof

Political repression does not solve society's problems, it exacerbates and perpetuates them.

or confession; therefore they cannot be handed over to the court. The Public Security Bureau simply exercises its own subjective judgment, based on suspicion or circumstantial evidence, and writes down reasons for education through labor, and sends these people to the place of reform through labor. Under those circumstances, there are people who are truly innocent. In fact, to treat "suspects" this way is not a good method. First, it proves the lack of ability of the public security organizations; when they fail to produce or discover convincing evidence, they can only depend on their subjective judgment. Second, it helps the Public Security Bureau grow lazier and more autocratic, and develop the sloppy bureaucratic style of work. Third, it fails to cause the criminals to acknowledge their crimes; there is thus built up in the minds of the criminal discontent and the desire for revenge, thus accumulating for society many more serious hidden problems for the future. Today, our social order is not good; many serious crimes have been committed by those people who came out of reform through labor programs. This is no different from the unreasonableness and illegality of education through labor, and the cruel sentences meted out by the Public Security Bureau. Of those I met in education through labor, about eighty to ninety percent were prepared to do some deeds after their return to society so as to compensate for their "loss."

It is most puzzling to people that today, when the rule of law is emphasized, and when the eyes, which have been washed clean by fresh blood, recognize the importance of the rule of law and of the legal system, there are such legal loopholes for the convenience of the judicial and public security organizations. One doesn't know whether the authorities are truly in favor of strengthening the rule of law and the legal system, or whether they regard the rule of law and the legal system merely as amusing ornaments to deceive the people and themselves.

As for my case, when the Beijing Municipal Public Security Bureau could not find any relevant legal justification, it shoved me in this legal loophole in order to satisfy its hatred. Although

they could not have the satisfaction of punishing me with great fanfare in a legitimate way, they at least had the chance to let the citizens know that the Public Security Bureau has extraordinary abilities.

I could well imagine how the Public Security Bureau felt after they had dispatched me, this "chicken rib" [useless thing]. But, their elation has been premature. The Public Security Bureau thought that after their cruel treatment of me behind the scene that would be the end of the incident; to me, this was the beginning of the incident. The first four questions that I presented to them are not yet answered. The pamphlets are not yet returned to me. The many new violations made by the Public Security Bureau are not yet properly counted. I am not going to stop here. Of course, I can suffer even more miserable defeats; I can be put in a situation where nobody will bother to talk to me; or worse, I could be killed. In sum, the chances of being granted justice seem quite slender. But I must undertake the struggle, and I rest my hope in the "court of public opinion." I know that no matter how badly defeated I am in the government's judicial organizations, I can always get moral support in the "court of public opinion." Even this little bit is enough to inspire me to have courage and to be unconcerned about my own life or death. On the other hand, I know that my own effort will not be all in vain; it will lay the basis for consideration by the "court of public opinion" in China.

Let's talk a little more about the "peculiar behavior" of the Beijing Municipal Public Security Bureau. According to the regulations, reform through labor is the highest administrative punishment; it is to be administered by the administrative authorities of the person to be reformed. It means that the person's place of residence and place of work determine the place where the local labor-education committee will administer this highest administrative punishment. After I asked around, I found this to be the rule everywhere. For instance, those who are being reformed in the labor-education place at Chadian in Beijing are under the jurisdiction of the Beijing Municipal Labor-Education Committee for their administrative punish-

The trust of the people is gained not by forcing them to believe, but by permitting them to doubt.

ment. Those who are undergoing reform through labor-education at the Lotus Temple were all put there by Shaanxi Province; I am the only exception. The authority that was responsible for my punishment is the administrative authority of Beijing which has no connection to me; the authority that decided on my punishment was not the authority of the administrative area which had jurisdiction over me; rather, it was Beijing that decided on the administrative punishment, and it also decided to carry out the actual punishment in the Shaanxi administrative area. It is said that recently there has been a supplementary rule in force, which is: Those people who have no residential registrations and who have migrated without permission and without jobs can be collected by the local units to be sent to local places to undergo reform through labor. According to this precedent, even if Beijing had the authority to send me to undergo education through labor, it should have sent me to Chadian; why should it send me to this reform-through-labor unit in Shaanxi where there are tall walls, electrified fences, machine guns, and many police dogs? This is not following regulations; one has to marvel at the almighty Beijing Municipal Public Security Bureau; is there nothing that cannot be accomplished by them?

Part V: The Reasons For My Sentence

According to the regulations, the individual to be reformed should be given a copy of the labor-education notice; this is to enable the individual to check the circumstances and to prevent possible false incrimination. However, I did not get my copy of the labor-education notice; when I asked for it, they even said that it was of no use to me and therefore there was no necessity to give me one. Not only I, even the unit at Lotus Temple which was in charge of carrying out my reform was not given a formal copy, only a hand-copied copy. Only later, when the Lotus Temple unit asked for it, was a copy sent. Indeed they are all members of the same family inside the Public Security Bureau; everything can be negotiated; even when there are no formal procedures concerning labor education, things can be handled satisfactorily.

Because I am different from the other people undergoing labor education who have their notices in their possession, I cannot repeat word for word and sentence for sentence what was on my notice. However, my memory is still quite adequate, and I can remember the main [reasons for my sentence]:

(1) Selling mimeographed pamphlets based on tapes which recorded the proceedings of the trial of the case of Wei Jingsheng at the Intermediate Court of Beijing. Wei Jingsheng has been deemed an active counterrevolutionary after two trials and sentencing by the court. Mimeographing the pamphlets was tantamount to disseminating dissatisfaction with the sentences of the court and propagandizing for the counterrevolutionary Wei Jingsheng. It disturbed the work of the court, destroyed the prestige of the law-enforcement organizations, created instability, and impaired the drive for the four modernizations. (2) During the period when he was detained for investigation it was found and proved that he organized and took part in the "Star Art Exhibition" demonstration on October 1, 1979. He repeatedly made speeches attacking the work of the law enforcement agencies. (3) The sickleave slips he handed to his unit showed some falsification. The above were violations of the "Regulations Concerning the Penalties in the Control of Social Order," and therefore it is decided that he should be subject to labor education for three years, starting from November 12, 1979, to November 11, 1981 [1982].

Items (1) and (2) in the notice assigning me to labor education were laws arbitrarily composed entirely by the Beijing Municipal Public Security Bureau; one cannot find any basis in any law, ordinance, decree, or order. It is a typical example of substituting statements for law and of condemning people with trumped-up charges. This is an open violation of the spirit of the Constitution, and it is a political persecution which has no foundation in the written law. The reasons cited would make those government counsellors who have some legal common sense red in the face. Even though they are most absurd, in order to let people have a more comprehensive understanding, I feel that I still have to waste some time to rebut them item by item.

Selling the Wei Trial Transcript

Mimeograph pamphlets based on the taped record of the proceedings of a case tried in open court did not violate any legal stipulation. I have spoken on this problem a good deal already. I have abundantly negated the interrogators' attempt to present any legal justification. Here, I only need to make one additional

point. There are two goals in open trials: First, there are many defects in a system without open court trials; the judicial sector can do what it wants and create darkness; under these circumstances, society is helpless, for it is unable to mobilize social forces to supervise and to criticize, and it can only let it do what it wishes. Whenever the courts are not functioning according to law, nobody can do anything to them, because when you don't know [what is happening, in effect] you don't have the right to speak out. The darkness in the Middle Ages in Europe and the ten years' turmoil in China, during which cases of injustice, falsification, and mistakes involved astronomical numbers of people if family members are included, were inseparable from secret trials. If during the ten years of turmoil there had been open trials, and people had been kept informed, I believe that we could have avoided the cases of injustice, falsification, and mistakes involving so many people. The realization of open trials was a historic step bought at a great price of fresh blood. The aim is to put the court under the supervision of the people, permitting the court to resolve cases only according to law, not according to private wishes.

Second, the fact that China does not have a strong tradition of the rule of law, in addition to the presence of the law-enforcement agencies, is also caused by the fact that people are very poorly informed in law, and do not comprehend the meaning of law. But each time there is an open trial, it is a lively lesson in legal knowledge; it enables the people to learn about the law, to follow the law, to obey the law, and to protect the law conscientiously. In sum, to have an open trial is to let people gain knowledge (as opposed to blockading the people). I mimeographed the pamphlets in the spirit of the aim of open trials; my action was beneficial to society and beneficial to the rule of law. There was nothing in violation of the law; how could I be called guilty? I don't know what the aim of the Beijing Municipal Public Security Bureau was, as it was very hostile to my action which was beneficial to society. That kind of behavior could only have originated with persons who were sneaky and tricky and who were opposed to the people in society.

When the Public Security Bureau announced that my mimeographing the pamphlets was unlawful, its legal justification was that since the Wei case was completed after two trials in court, Wei Jingsheng had become a genuine counterrevolutionary.

It seems, once the court has said so, there is no longer any room to doubt the truth; there is no longer permission to talk about the case, or to understand it. To tell the true circumstances is also not permissible. Here, do the people have the right to supervise the organs of the government (power)? How can they supervise when they are not allowed to know the truth? Hasn't the so-called supervision become a cute lie?

That the court had branded [Wei] a counterrevolutionary could not be the reason for not allowing the people to doubt or to discuss. As I said earlier, in the nonrevolutionary period there is basically no distinction between revolutionaries and counterrevolutionaries. There is only the contradiction between the advanced and the backward, between the positive and the conservative, between the farsighted and the nearsighted, and between ideological perceptions in line with reality and not in line with reality. Furthermore, that kind of contradiction is not unchangeable; under certain conditions, the advanced could become backward, the backward could become advanced. This kind of contradictory relation could never reach the level of

Trust is not bestowed upon a position; only when we understand a leader over a period of time can we give him the high honor of trust.

life and death struggle; it can be resolved through the normal methods of society. To apply the concept of the revolutionary age to the nonrevolutionary age is to impose unnecessary cruelty and to make more acute the social conflict; it diverts the main energy of the people and society from production, the first need of society. Moreover, its by-products include dressing "authoritarianism" and "bureaucratism" with a revolutionary coat, raping the people's will, and stepping on the people. Furthermore, just as I have indicated above, the courts had ordered the executions of Lu Luoke, Zhang Zhixin,²³ Shi Yunfeng, and Ma Mianzhen; who can guarantee that the same sort of thing won't recur from now on? Shi Yunfeng was not killed by the "Gang of Four"! Why can't the people doubt and discuss? When it is necessary, the people should also be determined to have the strength to show their will, to protect the backbone and the beams of society, like the mainstay of history!

All that I have described above concerns the problem of theoretical understanding; what I want to prove is that instituting laws about counterrevolution is not only outrageous but also harmful to society. However, counterrevolution is in fact a concern of the law; it does not matter whether it is reasonable; as long as it exists for one day, it has legal force for that day, and the punishment should be meted out according to the law. This cannot be doubted, for in order to have strict rule of law, it is necessary. Therefore, provided that Wei Jingsheng violated that law, he naturally had to be punished. This is not a matter of [subjective] reason; it is a matter of whether it is lawful and whether the law should be enforced. Judicial personnel, in their management of the case, should only consider whether it is according to law, not whether it is according to reason. If we allow the judicial personnel to consider the matter of [subjective] reason and to dispose of the case in a manner reasonable to them, this is without doubt mixing law and ethics. Law marks the boundary between freedom and restraint; it is above the will of any one individual or group; whether any particular law should be allowed to exist can only be decided by the general will of society. That is, it can be produced by truly democratic elections; the highest authority which represent the general will of the people can vote for its existence or abolition.

It is worth considering whether or not Wei Jingsheng is eligible to be called a counterrevolutionary according to the stipulation of the "Criminal Code." In the "Criminal Code," counterrevolutionary connotes all kinds of activities which aim to subvert and overthrow the socialist system and the political power of the dictatorship of the proletariat; those activities are all counterrevolutionary. We must pay attention to the two verbs, "subvert and overthrow." To be able to subvert and overthrow presupposes a certain amount of strength, at least activities in accumulating such strength. For instance, there must be a certain organizational structure, unmistakably clear theoretical principles on subversion and overthrow, and concrete actions and steps. There must be a clear distinction between the intention to subvert and overthrow on the one hand and the opposition to socialism and the dictatorship of the proletariat in theory and speech on the other. The former is a crime in any nation, and in our country it is called a "counterrevolutionary" crime; the latter is within the realm of the freedom of speech, and is a part of the citizens' rights. Any nation should allow its people the right to criticize the social system under which

they live, the good or bad policies of the state and the government. Can a society which does not allow criticism be a good democratic society?

People can criticize, oppose, or agree with the system and with the administration and policies of the state and government; these ought to be the basic rights of the citizens in a democratic country, and they indicate whether a society is democratic. We have never heard that those nations which only allow praise but not criticism are democratic. In this world, only absolute truth is not to be doubted or to be criticized. But up to this moment, aside from bragging like Dürhing, nobody believes that absolute truth has been found. Therefore there is nothing in the world that cannot be criticized. When you obviously know that there is no absolute truth, and yet you announce that there is a forbidden area that nobody is allowed to touch, this is antihistorical; this is opposing truth for the sake of certain interests. There is not a single branch of science — whether it be any branch of natural sciences and social sciences — in which it can be proven theoretically that there should be a forbidden area; there is not yet a field which can be said to have found the absolute truth. . . .

[The omitted material deals with the necessity to open up forbidden areas and the importance of skepticism in discovering more truths.]

Socialist nations are far worse than the "rotten and declining" capitalist world. The absolute majority of the capitalist nations fully permit their people to question their systems; they even allow them to oppose their systems openly. The amusing result is that the absolute majority of the people in the United States honestly believe that their social system is

My dilemma was that if I told my interrogators my sources, those individuals would suffer; if I refused, I would be charged with manufacturing rumors.

the best — this is the impression of the Chinese correspondents stationed in America by our government after they have had contact with a large number of people there; whereas in China, in spite of the fact that we have been shouting slogans of insisting on this or insisting on that, and in spite of the fact that propaganda organs have exhausted their energy, one cannot but lament our credibility gap. Although the newspapers have stated that this danger occurs only in today's young people, all who dare to face reality can ask without hesitation: "Is this only limited to the young people?"

The emergence of this phenomenon should not be simply attributed to the fact that material life abroad is better than in China or to the influence and impact of the "Gang of Four." We must recognize that Marxism has performed poorly in its explanation of the contemporary world; in order to cover up its poverty [of ideas], it is necessary to use measures of force to make people believe in the reaction produced by an outmoded idea. It was a theory produced over a hundred years ago; today we can only be like parrots imitating the words of old ancestors; we cannot create something new; should we not be embarrassed? Can we expect the ancestors of over a hundred years ago to have prepared for us all the theoretical questions? The problems of our own historical epoch have to be solved by

us; we cannot push aside our own historical responsibility. The perfection of Marxism depends on the people's presenting questions incessantly, indicating their doubts, and opposing it in part or even totally. If you get extremely angry when you hear opposing ideas, you are not protecting Marxism; on the contrary, you are harming Marxism. Your "enemies" under-

The dictatorship of the proletariat is like a "black hole" in outer space. In front of a black hole, light cannot proceed in a straight line.

stand your inadequacies more than you do! A democratic society does not produce the tragedy where measures imposed produce the opposite of their intended effect. When you force people to believe, people will not believe; when you allow people to doubt, you get their trust. Our problem has resulted from the neglect of psychology.

[(Editors' paraphrase of omitted material:) I favor genuine freedom of speech. Even in the social sciences, there should be no forbidden zones. Those who insist on establishing forbidden zones in social science argue that if these zones are opened up, ideological, social, and even national chaos would follow. After "truth" has been proclaimed, they want everyone to follow blindly. People who are skeptical or in opposition are suspected of harboring impure motives, which is equated with counterrevolution. The concept of counterrevolution is clearly in the statute books; thus, thought can be deemed a crime. Nevertheless, it is interesting that officials do not acknowledge the existence of ideological or political criminals. Those with different opinions toward Marxism or socialism, or toward the political system or government policy are not treated as people with opinions, but only as counterrevolutionaries. After all, they have already declared that they represent the people, and that socialists and counterrevolutionaries are enemies. What a touching, simple argument!

[The government also argues that if you allow a minority to speak freely, this will violate the freedom of the masses. But this is kindergarten-level logic copied from the Gang of Four. The consequence of this is a population that still does not say what it feels, that tries to avoid problems, rather than seek solutions. Freedom of speech only has real meaning when it is used to say what the Party, state, or government does not like to hear. Although in all their actions the leadership claims to represent the people, this is not necessarily the case. Sometimes even good intentions lead in practice to bad results. Mao Zedong launched the Cultural Revolution with good intentions; the result was Lin Biao and the Gang of Four.

[I would not oppose a situation in which all people were united in ideology and action, striving to improve the life of mankind. But two things are necessary for this: (1) People must be able to grasp absolute truth; (2) People must have a common understanding of this absolute truth. Everyone knows that neither of these is possible, so why not allow all to express their opinions and let the fittest survive?

[Jurists are now trying to demarcate legitimate freedom of speech and counterrevolution. The former includes the right to speak out on national and international questions. The latter includes thought which has turned into the will to commit action. The first does not constitute any direct danger, so it is not a crime; the second is a direct danger which a normally functioning social order cannot tolerate, so it is a crime. If the relationship between the two is not made clear, or if freedom of speech exists in name only, social thought would be suffocated,

the dynamic elements in society would be restricted, and the normal order of the state would not be safeguarded. It is true that there are not only dangers in counterrevolution but also risks inherent in free speech. However, at present the greater danger lies in suppression of free speech.

[It is from the above perspective that I view the Wei Jingsheng case. Wei merely expressed his disbelief in Marxism-Leninism and socialism and did not engage in any subversive activities aimed at overthrowing the "proletarian dictatorship"; there is no way of proving that he even had such a plan. Because of this, his actions cannot be deemed "counterrevolutionary" or a threat to the state; they are protected by the principle of free speech.]

[(Editors' paraphrase of omitted portion:) Although I am a socialist and believe that Marxism-Leninism approximates truth, I do have some doubts. The leading socialist countries are more backward than the capitalist countries. Perhaps this is because socialism does not encourage competition and initiative. What is needed to push history forward is drive, and not misguided idealism (such as "Lei Feng" campaigns). In the West, young people have to work hard for a living, which gives them backbone. In China, there is back-doorism, producing youth with no sense of dedication.

[Socialism is young; it has much room for improvement and development. If we are going to make progress, people must be permitted to doubt, to criticize, and to oppose. It would be wise to study and compare developments in various socialist countries which are comparable to the Tiananmen Incident and subsequent democracy movement; the Hungarian uprising, the Prague Spring, developments in Poland, and the outflow of refugees from Cuba. Such a study might reveal whether China is on the wrong track. Certainly it is counterproductive to thwart such scrutiny.]

On "Making Counterrevolutionary Propaganda"

The second count in the Public Security Bureau's accusation against me was that I published "the counterrevolutionary element Wei Jingsheng," disturbed the work of the law-enforcement agencies, and lowered the prestige of the law-enforcement agencies in the [minds of the] people.

This was sheer fabrication without any basis in fact. I did not publicize Wei Jingsheng. What is publicizing? If it is understood as having said a few words in all fairness or having argued in his favor from the perspective of one's individual understanding, and to increase one's influence, then, I did not publicize. If it is understood as the process of trial in court, then it was not I who publicized. As I have said above, if letting the world know the actual proceedings in the court trial was publicizing Wei Jingsheng, then the publicist was the Intermediate Court of the Beijing Municipality. My function was like a megaphone that amplifies. I did not have the propagandist's spirit of initiative; nor had I the necessary explanation or praise.

What I originally wanted to say was a few words concerning the protection of the legal system and the rule of law. If my words could have been interpreted by some opinionated people as a defense of Wei Jingsheng, I regret this. At any rate, before I could utter the words, I was deprived of this opportunity to speak by the Public Security Bureau. As I have demonstrated before, questioning, criticizing, and opposing the systems and policies of the state are not only human rights, they are necessary levers for advancing society. Likewise, to defend a na-

tion, a system, a policy, and even a certain individual is also the basic right of the citizen. I am now exercising this right to eliminate the regret of a year ago.

There are two minor points. It does not matter whether it was in the official [sources] or at Democracy Wall, the attitudes adopted toward Wei Jingsheng were neither critical nor consultative; I was the only individual who wrote with those attitudes; I want to persist in my attitudes, to criticize Wei Jingsheng where he was wrong and to suggest an exchange of ideas, and to have courage to defend him and to cry out against injustice where Wei Jingsheng was right or suffered injustice. In the interrogations and in the document ordering me to be educated through labor the Public Security Bureau repeatedly said that I had publicized Wei and defended him. Could we let this majestic municipal bureau lie without basis and say things without substance? Won't it be detrimental to its grandeur? Therefore, I want to say a few words in behalf of Wei Jingsheng, in order to prove that although the Public Security Bureau's words were baseless at the time, they were prescient; it was not for nothing that they crowned me with the title "defender."

From the tapes which recorded the actual court trial, the basis on which the court believed that Wei Jingsheng had given information to foreigners was the conversation between Wei Jingsheng and the English BBC correspondent Mackenzie. It is certain that the conversation cited by the court must have been taped. It was so because there were few omissions of words and sentences, and there was no error in the sequence of conversation, and even the mistakes and exclamations were all there. If it were heard accidentally or cited from memory, it would be impossible to have not a single mistake in the wording. Moreover, statements that were mere recollections would not be seriously incriminating.

How could the tapes fall into the hands of the Public Security Bureau? There were two possibilities: The public security departments could have installed a bugging device in Mackenzie's residence and eavesdropped. Or, either Mackenzie or the English-Chinese Guo Li, who was present at the time, could have made tapes of the conversation and given the tapes to the Public Security Bureau. However, according to Lu Lin and others who were quite well acquainted with foreigners, the foreigners had guaranteed that in their residences there were no bugging devices installed by the Chinese side, because once in a while their nations would send to China anti-bugging specialists to investigate their residence thoroughly and to dismantle any bugging devices. The foreigners' guarantee of course could not be absolute. But this greatly strengthens the second possibility.

There were also two possible ways that the Public Security Bureau could have obtained the tapes from either Mackenzie or Guo Li (I also don't rule out the possibility that the tapes were obtained from both of them): Either Mackenzie or Guo Li could have installed the bugging device before the conversation and taped the conversation, and later, either for profit or for some other necessity, given the tapes to the Public Security Bureau. Or, either Mackenzie or Guo Li (there was also the possibility that both were involved) could have accepted the task beforehand from the Public Security Bureau to lure Wei Jingsheng into talking, and then handed the tapes over to the Public Security Bureau.

The last possibility is not an entirely baseless fantasy. According to the court's statement of evidence,²⁴ we know that it was the foreigner who asked first of Wei Jingsheng the names of Chinese commanders in the Sino-Vietnamese War. At the time Wei Jingsheng said that he would write down the names on a piece of paper to show him, and after showing him, he would burn up that piece of paper. But Mackenzie insisted that Wei tell him orally. I believe something read off a piece of paper can be more clearly committed to memory than some-

thing merely heard; it is also easier to think about it. Therefore it is difficult to understand why Mackenzie insisted that Wei Jingsheng should state it orally and that he was unwilling to read the things written on the piece of paper. Furthermore, after his insistence on an oral presentation, the results were recorded on tape.

The procuratorate's indictment stated that Wei Jingsheng on his own initiative gave foreigners secret military information. The court and the sentence also stated that Wei Jingsheng gave military information to foreigners. To give information on one's own initiative or to just give information are active. Proof of the motivation and necessity, and of recognizable active activities of the supplier [of the information] should be proved. But we failed to see these in the court's investigation; we heard just the opposite of being active; that is, when pressed by the foreigner, Wei Jingsheng said something which he happened to know. This situation should not be called supplying information but rather leaking secrets. Of course, leaking secrets is also a crime. Should the court have mixed up these two different crimes? In legal terms, this is called an improper indictment.

When one is convicted of a crime for certain behavior, what is to be considered are the means used in carrying out the crime, the consequences of the crime, the motive of the crime, its nature, the background of the crime, and the environment; on the basis of these and within the scope of the punishment stipulated in the law, a more severe or lenient sentence can be imposed.

Aside from maintaining that Wei Jingsheng had a counter-revolutionary motive and that [his activities] were counter-revolutionary in nature, the court did not touch on the basis of sentencing. More serious was the fact that the court did not say a word about the consequence of Wei Jingsheng's having leaked the information, namely, whether this information was being publicized in foreign countries, or whether the information was obtained by our enemies, or whether there would be any harmful impact on the situation on the battlefield.

To say that Wei Jingsheng gave information to foreigners because of his counterrevolutionary motive is to say that Wei Jingsheng gave information to foreigners because he aimed to oppose the Party, socialism, and the communist political power. In other words, in order to harm the Party, socialism, and the communist political power, Wei Jingsheng gave information to the foreigners. This in reality means that before he gave the information, Wei Jingsheng foresaw completely that this information would be handed over to the enemy nation, or to the allies of the enemy nation, thus affecting the outcome at the battlefield and harming our nation. However, in putting all the facts together, one feels that certain phenomena remain incomprehensible. It would be entirely comprehensible if Wei Jingsheng were said to have given information directly to Vietnam, or to the allies of Vietnam such as the Soviet Union or Cuba. But the person whom Wei Jingsheng gave the information to is English, a member of a third country, namely, a country which is not close to Vietnam or close to certain parts of China — from a certain perspective I consider the English to be closer to China psychologically. Furthermore, the chances are eight or nine in ten that Wei Jingsheng could not have thought Mackenzie or Guo Li to be spies for Vietnam or for allies of Vietnam and thus harm China. Therefore, to say that Wei Jingsheng aimed to harm China, that is, that he had a counterrevolutionary purpose in giving to foreigners China's military secrets is not correct; it is exaggerated, and is owing to the poisonous influence of the past when on nearly all occasions matters were raised to the plane of principles and lines. I believe that to say that Wei Jingsheng had the motive of harming China in his giving information to foreigners is not as correct as to say that Wei Jingsheng aimed to have good relations with

foreigners. He was vainglorious and wanted to emphasize his own importance in the eyes of the foreigners and thereby elevate his own position. Of course, I know that Wei Jingsheng was opposed to that war; I also know that he does not believe in Marxism-Leninism and socialism. He told me all this himself. Even this is not sufficient to prove that Wei had a counter-revolutionary motive, or that he aimed to harm China when he gave information to foreigners.

In the process of investigating this case, the court repeatedly mentioned that Wei Jingsheng had given foreigners our nation's important military information and top-secret military information. But, from beginning to end, the court never positively and directly said that the content of Wei Jingsheng's conversation with the foreigners was in the nature of military information. On this question, people are led to wonder if there was the suspicion of avoidance. The names of the commanders and the size of the force which Wei Jingsheng conveyed to the foreigners were common knowledge in Beijing at that time; they were the topic of conversation at teas and dinners. If this was called important and top-secret military information, then people would be led to doubt their importance and high secrecy. Furthermore, not only people in Beijing were talking about these, Mackenzie himself had already known these before he asked Wei Jingsheng about them; this can be shown from the testimony in court; what Mackenzie had known only differed slightly from what Wei Jingsheng said. In his appeal to the higher court, Wei Jingsheng point out in his defense that what the court stated as an increase of 200,000 soldiers had never been mentioned by him; what he told Mackenzie was that in the entire nation there was an increase of conscription of 200,000 men. What the court said and what Wei Jingsheng said were not the same thing; how could the court decide that what Wei Jingsheng had said was important military information? Was there any such military information? Was it true or false? It is thus impossible not to have people doubt the truthfulness or value of the so-called military information given out by Wei Jingsheng. If what Wei Jingsheng said was only streetcorner rumor and hearsay, it would really be extreme to have sentenced him to heavy punishment.

From the tape recordings, it is known that Mackenzie already had the names of the commanders and the size of the reinforcement before he asked Wei Jingsheng about them. When he asked Wei Jingsheng about these, he wanted to prove what he already knew or he wanted to induce Wei Jingsheng to tell what he knew. If what Wei Jingsheng told him was truly military information, he violated the criminal law, and that conversation itself was a crime; moreover, the two parties of the conversation were both guilty. Wei Jingsheng's crime was leaking the secrets, and Mackenzie's crime was soliciting military information. This person who leaked secrets was sentenced to fifteen years' heavy punishment, while Mackenzie, who committed the more serious crime — one must notice, Mackenzie had already known about the information before he talked to Wei; this explains that Wei Jingsheng was not the first person to leak the secrets and, on the other hand, Mackenzie was a spy many times over — was not convicted, was not arrested or detained; the court did not even mention his name; he was mentioned only as a certain foreigner as if the court was afraid of committing blasphemy.

This is difficult for people to comprehend; why is it that for the same crime, the main culprit is treated nicely while the accessory criminal is thrown into the eighteenth hell to satisfy the authorities? In addition, there is "another foot resting on him" — the deprivation of his political rights for three years. Can it be that today on Chinese territory "foreign gentlemen" may behave as arbitrarily as in the old days along "the ten mile foreign zone" without being subject to the control of Chinese laws? Does a big nose entitle one to legal immunity?

Isn't it that in today's China foreigners can lure Chinese people, control Chinese people, can assume the main role in the committing of crimes without incurring any punishment and can be comfortable and leisurely without the restraint of the law to the extent that even officialdom will keep secrets for them so as to free them from any concern about damaging their reputation? Isn't it that the lured and controlled Chinese, who has the supporting role, has to bear the responsibility for the foreign gentleman and to endure the most severe punishment? Doesn't it mean that on Chinese territory there are two kinds of law: there is one law for the foreigners, which is "law of disregard" or "law of leniency and better treatment," and there is another law for the Chinese, which is "severe punishment without mercy"? Isn't this handing back with both hands extra-territoriality to the foreign gentleman?

Mackenzie is only a correspondent and he is not entitled to diplomatic immunity; why should he be treated with such "niceties"? When one considers this in connection with the origin of the tape that I mentioned earlier, one can only suspect that the "special treatment" accorded to Mackenzie was owing to his having contributed or supplied effective cooperation. If such was the case, then it would be difficult for people not to suspect that the entire affair was a skillfully planned, premeditated trap.

Wei Jingsheng was arrested on March 29, 1979. The date of his trial was October 16 of the same year, after an interval of more than half a year. Judging from the content of the trial, the case of Wei Jingsheng was not too complex; the public security and judicial departments already had sufficient basis for the two charges. But why, then, should such a clear-cut case be postponed for over half a year before it was tried? Everybody knew that the case of Wei Jingsheng was being watched by the whole world; not only were the foreigners very uncomfortable after their arrest, the Chinese people were even more uncomfortable. After Wei Jingsheng and the others were arrested, it was like a dark cloud over the heart of the Chinese people; many people were very ill at ease, and they warned each other: "Be careful in speech; there is again the wind to restrain." This sort of situation was not unknown to the judicial department of the government; it nevertheless failed to try this clear-cut case in open court in order to get rid of the people's suspicion and in order to lessen the worry of those foreign friends who were concerned about China. The active participants of the "democratic movement" in China were very worried about this situation; they assembled many times to petition repeatedly that the trial should be convened as soon as possible; but it failed to happen — perhaps it was considered unnecessary to give the little people such a big face. However, right after Hua Guofeng responded to the correspondents of the Second Television Network of France who had expressed the French people's worry and concern over the several arrested "youths with different political opinions," the trial began immediately. Could this make people believe that the court was exercising its power of trial independently? Could this make people believe that the court was impartial and serious, and acting according to law, and that it did not bend with the political wind? Could this make people believe that the severe sentence imposed on Wei Jingsheng and the obvious disregard of certain important facts were not owing to political necessity but to the necessity of the rule of law?

Wei Jingsheng's second crime was the crime of counter-revolutionary propaganda and agitation, which I have mentioned earlier in the section concerning the freedom of speech. I don't consider Wei Jingsheng guilty of the second crime; I think that the court confused the freedom of speech with the crime of counterrevolution.

According to the court's regulations concerning trials, tickets to the public gallery are distributed free. Those who would like

to observe the trial can go to the court to ask for the tickets to the public gallery by presenting their own individual certificates of status or certificates of employment, on a first-come, first-serve basis. Those who would want to have tickets to the public gallery are usually those who are concerned with the case or those who have a special relationship with the accused and are concerned with the fate of the accused. If the court does not distribute the tickets to the public gallery to those who come on their own initiative, but distributes them to the various units, and asks the various units to send "representatives," to sit in the public gallery during their working hours, it is not in accordance with the original intention of giving out the tickets to the public galleries. The tickets to the public galleries for the trial of the Wei Jingsheng case were distributed in the latter way. Doesn't this arouse in people the following suspicion: Wasn't there an effort to use money to hire spectators to control the atmosphere in the courtroom in order to produce a psychological situation unfavorable to the accused? The case of Wei Jingsheng was mainly an argument concerning the problems of thought and cognition, and Wei Jingsheng was his own defense counsel; it was quite clear that certain effects could result from such an unfavorable psychological milieu.

In the court there was too short a period set for arguments. Both the prosecutor and the defender did not have a chance to state their points clearly; the trial was hurriedly completed. This gave the people the feeling that the "tune" was already picked, and it remained only for the actors to walk across the stage.

These days, when a case which has the attention of the entire nation is carried out in this manner, it is not surprising that a shadow of dejection darkens the people's mind — that politics is not to be trusted and the rule of law is not possible. Yet the hope of China was precisely posited in whether the Chinese people could drum up enough trust. When the sentence of Wei Jingsheng proved unjust, it had the opposite effect of making him a hero in the minds of many people and a martyr of the "democratic movement." The situation of unjust punishment should be corrected; it should have been corrected as soon as it was recognized. I mimeographed the pamphlets and I was prepared to publicize continuously my viewpoint. If the Public Security Bureau considers this to be propaganda on behalf of Wei Jingsheng, that is their affair.

To take a step back, even if I did say something good on behalf of counterrevolution (that was what the Public Security Bureau considered to be propaganda), I did not commit any crime. In the past, once one was accused of counterrevolution one tended not to receive any protection of the law; thus no punishment could be called excessive. On the contrary, the more excessively cruel [the punishment], the more thorough was the revolution, and the truer the feeling; it showed abundant love for the proletariat and heartfelt hatred for the class enemy. Under the control of this understanding, the people lost their reason and exhibited a beastly nature, such as the cruelty of the Great Cultural Revolution and the abusive attacks on those who had no ability to defend themselves. At long last, this degenerated to the beastly behavior of filling a well with dozens of old people, children, and women in the suburbs of Beijing. Pure feeling and cruelty became synonymous. Furthermore, counterrevolution became regarded as the star [source] of calamity; not only "the nine kinds of relations were to be implicated," but all those who were remotely concerned and said a few good words in private also met an unexpected fate. Those who luckily escaped punishment were only two or three out of ten. Consequently, in order to avoid sudden calamities that came from nowhere, people tried their best not to be seen with those branded as counterrevolutionaries, or with even those whom the leadership had only pointed out as having some

thought problems. People locked out from society those counter-revolutionaries who were in their society. The saddest thing, however, was that among those cases that were unjustly disposed of, there were very few common criminal cases; but the great majority of the cases were the so-called counterrevolutionary cases. In order to avoid these most regrettable happenings, should we as in previous times draw the line to demarcate the forbidden areas? We have arrived at the times when we have to scrap our prejudices and dare look into the so-called counterrevolutionary cases. If we are afraid of going into this forbidden area, we cannot reduce the number of unjustly treated cases; only when we actively penetrate into and supervise this forbidden area can we reduce the occurrence of this type of phenomenon.

On "Criticizing Law Enforcement"

The third reason stated in the Public Security document specifying my education-through-labor was that I had made statements expressing my dissatisfaction with the law-enforcement agencies, reduced the prestige of the law-enforcement agencies among the masses, interfered with the work of law enforcement, created instability, destroyed order and unity, and thus affected the realization of the four modernizations.

As to my making statements indicating my dissatisfaction with the law-enforcement agencies and lowering the prestige of the law-enforcement agencies, I shall discuss these later in the relevant chapters and paragraphs; I am talking here only about common sense, for fire can never be wrapped in paper. If my speeches were rumor-making and aimed to harm the law-enforcement agencies with malice in order to reach my goal of reducing the prestige of the law-enforcement agencies, my effort could not have lasted long; in addition, I could not avoid bearing the responsibility or receiving punishment. Mr. Lu Xun had said long ago, "Lies can be effective and workable, but in the final analysis their effectiveness and workability are limited." Nobody can cover the sky on their own; people themselves understand the true nature of things. How can the Public Security Bureau's image be damaged? If the Public Security Bureau could expose the lies, its image should be grander and further enhanced. With the power and propaganda capacity possessed by the Public Security Bureau, it would be extremely easy for them to expose my rumor-making and lies. If, on the other hand, my speeches accorded with feelings and reason and were based on fact, how could I be blamed for lowering the prestige of the law-enforcement agencies? Even if I had not said anything, could the image of the law-enforcement agencies be kept perfect? Therefore, whether your image is good or bad depends entirely on your own self; nobody else can do anything about it. If the Public Security Bureau is that concerned about its prestige among the people, it should not suppress and hate those who point out mistakes; on the contrary, it should carefully study what others say. If there are mistakes, they should be changed; if there is no mistake, it should try to do even better. It then would not be difficult to get satisfactory results. If it should reject this and take some other "shortcuts," I can only cite the words of Chairman Mao that "they pick up the rocks only to drop them on their own feet."

The Star Art Exhibition

It is laughable to include my participation in and organization of the "Star Art Exhibition"²⁵ demonstration as one of the reasons for sentencing me to education through labor.

Some young artists (organized by Huang Rui, Ma Desheng,

Wang Keping, and Qu Leilei) set up an exhibition of more than 150 works of art on the street corner by the park on the east side of the Beijing Gallery of Fine Arts. This unfrequented corner thus became lively, with people pondering, discussing and enjoying the exhibit. It was not like the gallery to the west, with solemn viewers held in awe. These pioneering works removed art from the drawing room into the open air. It is not surprising that the chairman of the Chinese Fine Arts Association, Jiang Feng, after personally viewing the exhibition, not only gave an honest evaluation of the works, but also praised the form in which they were presented.

Nevertheless, the Beijing Public Security Bureau ordered the exhibition halted and retained the art works. The suppression was based on the "Regulations Concerning the Penalties in the Control of Social Order" and the 1979 Six Regulations for Social Order. Both had a provision that said that advertisements, bills, and big character posters could not be posted on buildings or in public places. While the Public Security Bureau argued that the exhibition fell under these guidelines, the exhibitors pointed out that the Constitution gave the right to citizens to engage in cultural activities in public and the Constitution superceded any regulations not in accord with it.

The Public Security Bureau stopped using a legal basis and spoke of what was fair and reasonable: cultural activities were not such that one could do whatever one wanted wherever one wanted. Those done in the center of the road, for example, would certainly interfere with social order.

Both sides had a reasonable case, but there was no way to reach agreement. This is because our country's legal system is incomplete. There is only a general body of law, like the Constitution, which the leadership can use flexibly. Considering themselves as acting in the interest of the people, without private motives, all their activities are therefore legal.

The Beijing Municipal Committee probably felt they had gone too far, so they sent the chairman of the Beijing Fine Arts Association, Liu Xun, to smooth things over. He said that the exhibition could be held at the Gallery of Fine Arts, but that it was necessary to wait a bit longer; if there was an urgency, it could be held after October 1 at Huafangzhai and other places (it was then September 29). The announcement of the closing of the exhibition could be printed in the newspaper at the expense of the Fine Arts Association. The exhibition date could be simultaneously advertised in People's Daily and Beijing Daily, also at the Association's expense. Earnings from the exhibition would not, as according to previous custom, be seem like an ultimatum. Particularly since it was sent from young commoners to influential members of the party and government, there was no way it would be accepted. It also put us irrevocably on a road we were not completely willing to take.

After the municipal committee received the letter, they again sent Liu Xun, but he brought nothing new. Thus, the demonstration march was carried out on October 1. The marchers carried banners saying "Defend the Spirit of the Constitution," "We Want Political Democracy," and "We Want Artistic Freedom." Ma Desheng, paralyzed in his lower limbs, was at the head. When we were met by several hundred policeman, blocking off West Chang'an Boulevard, the mood of the masses became very excited. Someone yelled "Beat the white dogs!" Those less courageous climbed trees or buildings to prepare to watch the battle. Foreign supporters were busy with their pletely turned over the the exhibition hall, but 50 percent would be given to the Star Art Exhibition. The Star Art Exhibition, under that collective name, could enter the Arts Association. The municipal leadership had planned to invite everyone for a discussion, but because of the lack of time, this could not be done until after October 1.

Actually, the conditions were extremely favorable. But Chi-

nese youth had experienced ten catastrophic years and no longer took things at face value. They knew that something bestowed on them could be taken back. They asked whether or not citizens had the right to engage in cultural activities in public and whether the Public Security Bureau ban was legal. If the fault was with the Beijing Municipal Public Security Bureau, then they requested an apology and permission to continue their cultural activities. Since Liu Xun had come only with specific instructions, he was unable to answer such sharp questions. We sent the Municipal Committee a letter asking for an answer. If one was not forthcoming before October 1, we would march in a demonstration to the Municipal Committee to listen to the answer.

Our request to the Municipal Committee for an answer could not be faulted, but sending it in the form of a letter made it cameras and video recorders. The marchers sang as they unhesitatingly moved forward. The situation could have gotten out of hand at any moment. Nevertheless, we were completely reasonable; no dispute with the police developed. We marched on the road assigned to us by the police. Our march maintained its order, and no traffic was blocked.

I was appointed as general director of the second line of this march. According to logical reasoning, the director and organizer of this march could not be said to have violated the law.

The courage of the Beijing Municipal Public Security Bureau must invite admiration. They unexpectedly and brazenly wrote that because of participation in and organization of this march, I was to be punished by three years of education through labor. Who can compare with the Chinese police in its "brave" treatment of the Constitution, looking upon it as inferior to a piece of asswipe [yizhang kai piguzhi].

My Unauthorized Sick Leave

[(Editors' paraphrase of omitted material:) The last item on the document committing me to education through labor involved the charge that I had forged sick-leave certificates.

[When I was studying at the Nanjing Engineering Institute, I suffered from a number of illnesses. After graduation, I was sent to the high-altitude city of Guizhou. Because of illness, I had to stay in the hospital. Because of the cold climate, the area was considered unsuitable, and I was transferred to Shaanxi. When my health did not improve, I was hospitalized again. Inasmuch as my family was in Beijing, my unit sought to have me transferred there. Although no response to the request was received, the unit permitted me to visit my family anyway, in the belief that I might be able to resolve the transfer issue in Beijing and obtain medical care there. Money and food coupons were to be sent to me each month.

[When I got to Beijing, I discovered that the hospitals only issued sick-leave certificates to workers in units assigned to the institution. A few kindly doctors did issue me certificates once or twice; others, with firmer principles, refused to do so at all. In the meantime, I ran around to various units trying to effect my transfer. With no alternative, I asked some friends working in hospitals to get several blank sick-leave certificates, which I filled in and mailed to my unit. When the police asked me about this, I did not want to involve others, so I said that I had stolen the certificates. The Public Security Bureau, in their efforts to uncover my sins, excitedly seized on this to demonstrate to society at large and to foreigners the kind of person Liu Qing is.

[Although I acknowledge my mistake, this is something that should have been handled by my unit. But the Public Security Bureau couldn't find what they wanted, so they upgraded this to something major, worthy of three years of education-through-labor.]

Part VI: Conclusion

Public security and law-enforcement agencies in China are most inclined to throw in political slogans in the making of legal decisions, to the extent that they even substitute political slogans for legal clauses in their "curing the person by convicting him." The reasons that the Beijing Municipal Public Security Bureau decided to put me through education-through-labor were not based on any concrete legal clauses; instead, political slogans took their place. I was given two big hats [labels]: destroying order and unity and affecting the four modernizations.

Order and unity are obviously the most needed environment of our nation today. Even in other historical stages, order and unity were also the most needed environment. However, order and unity are not law; one cannot substitute political slogans such as order and unity and the four modernizations for concrete legal clauses when the latter were found wanting. The regret was that after the Public Security Bureau had cited my violation of the "Regulations Concerning the Penalties in the Control of Social Order" it failed to point out which regulations I had violated. Instead, it employed the two most fashionable "all powerful weapons," order and unity and the construction of the four modernizations, and attacked me with them. Order and unity and the construction of the four modernizations have become laws in reserve; they are taken out for use whenever suitable clauses cannot be found in the legal statutes. They have become a very suitable all-powerful weapon, a weapon that can be used on anybody and in whatever way. . . .

In fact, who are the people that have destroyed order and unity? I believe that they are those who destroy the law, and they are also the people who would employ those all-powerful weapons at the drop of a hat and reject the law. The law is the concrete form of the will of the ruling class, and is the guarantee in written form of the society's normal order. If the law is obeyed, social order will be proper and stable; if the law is destroyed, that is, when the law is not followed but the all-powerful weapons are exercised in violation of the law, society will not be stable; it will become confused and even have great turmoil. Therefore, if we want to have a stable society, we must strictly do things according to law. If there should be new problems in society which disrupt the society's productive activities and order of life, when there is not yet suitable laws to deal with them, it behooves the legislative organs to formulate statutes according to constitutional procedure. They must avoid letting some individual's words have the effect of law to answer the needs of the moment. China should have a governmental organization which is constantly studying and formulating the statutes, in order to be able to formulate the necessary laws promptly in accordance with constitutional procedures.

The question of whether the society can be unified is the question of whether the various strands of social forces can be twisted into one single rope to improve jointly the social environment. It is essentially not a question of law, but a very complex question of the society's modes of production and principles of distribution, the Party's lines and strategies, whether the administration of the state and government is reasonable, suitable, and taking care of the interests of all kinds of people, whether the people's rights, interests, and hopes are respected, and whether social ethics and mores are nurtured and clearly defined.

To sum up what I have said above, the Beijing Municipal Public Security Bureau had no authority to force me to wear the big hat of "destroying order and unity and affecting the con-

struction of the four modernizations." Only the law had the authority to say that I destroyed order and unity. If I had not violated any law, I was an endorser of and cooperater in order and unity; to say that I destroyed order and unity was purely slander and calumny. . . .

Aside from the legal meaning of order and unity there is still another problem of order and unity in the people's mind. People differ a great deal in their comprehension of things; there is no exception in their comprehension of order and unity. Certain leaders, who have the will of the superior official and the style of the family head, consider that order and unity are the unity of the whole group in thinking and in action, obeying his leadership, which has already designed for everybody a blueprint of a blessed and golden vista, and that everything revolves around his conductor's baton. If it is not like that, and if instead it is that when I think of the east you think persistently of the west, when I say we should look ahead and forget about the past, you persist in talking about the past and will not give up your "speck of small profit," when I say that we should endeavor in our four modernizations and produce results in our work, you insist that as long as the system is not reformed, there is no guarantee of production and the people's rights and that as long as [way of] distribution is not changed people will not have enthusiasm, and when I say that the Party has already considered everything for you, you insist that you want to design for yourself and say that "you will do the opposite" — then, it is destroying order and unity. The superior officials under no circumstance can understand that aside from the blueprint of a blessed and golden distant future designed by them "for the people," people are also designing their own little blueprints; furthermore, they may not regard the blueprint made by the superior officials as good, and they may consider their own blueprints to be better. There are those with a lot of courage who even dare to present their own blueprints to society and with a lot of noise even dare to compare and compete with the blueprint designed by the superior officials. Then, there is the abrupt shout: I have already thought about everything for you... I won't allow you to think stupid thoughts, to speak foolish words. If you don't follow my instructions, you are destroying order and unity, and "you have ulterior motives," and you are dangerous.

However, those who have understood deeply the danger of the patriarchal style of the officials recognize that this is not order and unity, but suppression and deprivation of the people's freedom of thought, deprivation of the people's duty and power to participate in politics and to be concerned about politics. They believe that only by smashing the blueprint of a blessed golden vista designed by the superior officials for the "unification" of the nation, and by allowing people to present their own opinions, to say freely what they want to say, to express their various kinds of opinions, criticisms, doubts, and oppositions to a certain task, a certain policy, and a certain line of the nation, the Party, the government, and even of some specific leaders, can there be realized authentic order and unity. There is no better policy than this.

If the problem is only limited to the fact that the superior officials have the viewpoint of superior officials and the real public has the viewpoint of the real public, no harm is done. However, those superior officials are very anxious in their "effort to benefit" posterity, and in making a contribution that will last for ten thousand generations. They do not allow their beautiful blueprint designed "entirely for the benefit of the people" to be

amended in the slightest. The superior officials can use their political power to promote their blueprint; other people can only say a few words, and therefore their impact can be said to be very slight. Backed by the state, the officials are able to eliminate even that little bit of influence. So they destroyed first Democracy Wall, and then the Four Greats. They finally succeeded in "eliminating the factors of instability."

I am firmly opposed to this kind of forcing people to understand ideas according to one's own understanding. If this type of thing occurs only in the newspapers, it is only the style of the literary cliques; when the phenomenon spreads to the society, it becomes the style of the warlords. People differ in their understanding of concepts; this is owing to the complexity of social problems and to the people's different perspectives. The origins of differences come from society, not from the people's brains. Their conceptual understanding of unification is not the consideration of the reasonable components of different understandings, the adoption of the good components and the rejection of the bad, and the combination of all into one; it is rather a dependence on the person's "sheer brutal force" to force people to trust him. Can this be done?

This type of behavior is very dangerous. First, it tears up the Constitution and it deprives people of the rights they are entitled to enjoy. Then, it attacks society and damages the people's activism and initiative and causes the nation's one billion brains to disappear. What is left are only a few superior officials who plan for all, direct all, and mastermind everything. Next, those things that are not welcomed by the people are usually not realistic and are mistaken; the masses do not cooperate with enthusiasm. Consequently there is historical retardation and poverty in livelihood. The superior officials start from the aim of benefiting the people, but reap the bitter result of manufacturing calamities for the people. At last, under the conditions of this type of political life, the bureaucrats, the leaders who don't have their own understanding, and leaders who have risen to leadership through obsequiousness obtain the conditions for their rapid multiplication, and a great num-

New discoveries are always made by a small minority, not by the majority.

ber of them are produced. Of course, promoting political slogans in such a fashion has a certain "benefit," that is, society can be pacified instantly; this causes the superior officials to be very pleased with themselves because they think that they have "eliminated the factors of instability" and have reaped the final effect of order and unity. I want to say something to superior officials who think in this way: "Look ahead. Can you see clearly ahead of you? There is hidden reef in front and behind you!" Their way of doing things is not solving society's problems; on the contrary, it changes social problems into long-lasting, damaging, historical problems.

In general, the official understanding of order and unity goes as follows: We are not concerned with the problems of the past; nor will we discuss the various political and economic demands, utilize the citizens' rights to demonstrate and march, make speeches, and limit the power of the state and government whenever possible. Rather, everyone must be of one mind and of one virtue, that is, agree with my mind and agree with my virtue. The people's various problems will be taken care of by the Party (in my mind this means the several leading persons), and when the Party considers it to be the proper moment, it will naturally solve the problems for you. Everybody should keep his mind on his work, should bury his head in his work, try to do his work well, concentrate on the four modernizations, and strive to show some results. If not, or if you walk over to

the street corner to make speeches, to march and demonstrate, and if you propose various political measures and demands for reform, and schemes for economic demands and economic reform, you are trying to take their place in the kitchen, and you are factors of instability and the root of turmoil, and the arch-enemy of the four modernizations. The deduction is rather simple: The important problem in China today is production. To manage production there must be a stable social environment. If you make speeches here today and demonstrate and march there tomorrow, when political and economic demands are advanced one after another, the heads of the leaders will be completely confused and the eyes of the common people will be blurred. How, then, could there be order?

This deduction juxtaposes demonstration, assembly, speech-making, presenting different political opinions, and proposing various political and economic demands, on the one hand, with production, on the other. If you want production, you cannot have the others; if you want the other things, you have no way to produce properly. Socialism is for benefiting the people; therefore it wants to give people more and better material things; thus, socialism entails proper production. If we look at it this way, our nation's Constitution was very badly formulated because it allows certain articles to be incorporated into the Constitution, articles which will make society unable to produce properly and articles which give the citizens the freedoms of demonstration, assembly, speech, publication, and strike. How about deleting these articles from the Constitution so that production can be carried out undisturbed? That way, could society carry out production and construction with order and in unity? Regrettably, this miracle drug does not have any miraculous effect; the feudal autocracy of the Middle Ages was an early experiment, and Lin Biao and the "Gang of Four" were a later experiment; not only did they not effect the improvement of production, the result was just the opposite. The order and unity before the Cultural Revolution were mostly like that, and the consequence was the miracle of the Great Leap Forward.

I am going to present some examples which contradict the reasoning of the official circles. The most typical concerns Japan. I remember reading a pamphlet from which I learned that in Japan generally there are hundreds of instances of marching, strikes, and demonstrations; political and social demands are as common as daily family meals; opposition to the government by political groups and organizational activities to cause the cabinet to fall are being carried out intensely every hour and every day. According to the concept of order and unity by the official circles in China, wouldn't all the Japanese people have starved to death? No, on the contrary, the Japanese economy has created the miracle of prosperity in a very short span of time; Japanese people are very rich and endowed with abundance, especially when we compare them with the Chinese people.

Japan's economic development and the Japanese people's wealth and abundance are not like the Middle Eastern nations, which have found gold ingots but are entirely dependent on their production. Western nations and many developing nations are likewise. Thus we can see that a nation "without order," that is, a nation where there are disputes, demonstrations, marches, and strikes one after another, is not necessarily a nation which has no way of creating an economic miracle; the two are not locked in a relationship of opposing contradictions. On the contrary, the nations which have one-party dictatorship and which are quiet and silent in "orderliness and unity" are far behind the confused and confusing West in the creation of "economic miracles." Shouldn't this give us pause? Let the people express their will as opportunely and as soon as possible; let them make demands; give them timely attention and solutions — only then can order and unity be achieved on the basis of the

creation of an economic miracle. "Order and unity" based on the people's silence can never produce an economic miracle. Therefore, blaming the "destabilizing" factors, as they are understood by the superior officials, for having caused the lowering of productivity and the slowness of economic development seems suspect as having splashed dirty water onto other people's bodies.

If there is a lot of noise in society, and if the people present all kinds of demands and hope, and use the means of marching and demonstration, speeches, and even strikes to realize their demands and wishes, there must be certain reasons and causes for them. "Whatever is produced is inevitable." If they don't study the reasonable components of these demands and wishes, solve promptly what they can solve, let the people understand and wait for what cannot be done, open up discussions concerning the unreasonable components so as to diminish the unreasonable, but instead, try to scare society through the arrest of several people and put big hats on people, so as to achieve "order and unity," can this kind of "order and unity" be authentic, reliable, and secure?

The Beijing Municipal Public Security Bureau does not use the law to decide whether a certain person has destroyed order and unity; instead, they use their own understanding of order and unity, that is, their own model, as a yardstick. When they measured me, they regarded me as not according to their model, and therefore they stated in the document which assigned me to education through labor that I was a (noisy) destroyer of order and unity. What I can be happy and proud of is precisely the fact that I did not fit into their mold and that I have preserved my own integrity. To tell the truth, I go beyond the policemen of the Public Security Bureau in approving of order and unity. But what I want is authentic order and unity, which must allow people the rights, opportunities, and fronts to speak up, to enable people to reach agreement through "heated arguments," to enable people to feel happy and relaxed after they have poured out their inner thoughts, to enable contradictions and problems to be pointed out in time to receive the attention of the people, the nation, and the government so that early solutions can be made. None of these can be solved by the contemporary social structure and the propaganda organizations; the people must be given new areas for development, certainly not be deprived of that little, pitiful "remnant" area. Therefore my order and unity are different from the "order and unity" of the Beijing Municipal Public Security Bureau (understood as the official view). I believe that the order and unity sought by the Public Security Bureau are a kind of superficial "effects." The order and unity sought by me are solutions for the contradictions incessantly produced from within the society. To solve contradictions, contradictions must be given abundant opportunities to show themselves; we should let as many people as possible come to participate in the investigation and study of the contradictions so as to produce measures for their solution. This is because our world is the result of movements, and movements are the incessant solution of old contradictions and the creation of new contradictions. The solution for the normal contradictions in society cannot depend on force, aided by best wishes and endless propaganda; it can only depend on society itself, on every concerned individual, on everybody's "noisy arguments and disputations."

From the perspective of theory, the great majority of the people believe that since the founding of the [People's Republic] our nation has been ultra-leftist; however, viewed from the method of ruling the nation, it has been feudal and autocratic. The origins of this can be attributed to historical factors, external influences, domestic and international environment, leadership of the leading personnel, and the psychological state of the leaders. Now, it has been only a little over four years since the overthrow of this feudal autocratic rule. We can say

that the battlefields are not yet swept clean, the hidden troubles are not yet eliminated, the fruits of the battle are not yet collected, and the significance is not yet clear. But how can we again want to be involved in the founding of "One-Word Hall"? Even if these problems are all solved, society will continuously generate new problems which can only be solved by the mobilization of the great majority of the people to participate in discussions. Furthermore, only those people who are on the forefront of these new contradictions can take the initiative in calling society's attention to the new problems and new contradictions. How can we expect those who run the nation from their high perches to be able to understand the individual ills, wishes, and needs of those under their control and guidance?

To sum up, as long as we believe that only a few leaders have the authority to propose new problems and new contradictions before [people] are allowed to step into this forbidden area, and as long as we let the leaders inspect everything, let them stand high on the "clouds" to solve all problems, and direct all the living creatures here below, we can never have genuine order and unity. . . .

[(Editors' paraphrase of omitted portion:) Before Liberation, as Mao said, China was a country with only a landlord culture. This was not a culture possessing spiritual and material wealth, but one whose content was literary knowledge and spiritual will. There was a basic psychological contradiction in this culture. On the one hand, it was imperious, despotic, and self-centered, with individuals seeking to follow their own wills. On the other hand, it was conciliatory, lacking any will, with the desire for survival paramount. Wars occurred because of the struggle for survival, not because of ideological differences. So, Chinese people lacked the spirit of introspection. Just as Hegel commented, China is a country with a common will, but the will is that of the emperor, not the ordinary people. The will belongs only to those that are masters of the country. The people either accept this will or they have no will at all.

[After Liberation, there was no basic change in this situation, either ideologically or psychologically. Before the Cultural Revolution, the people were grateful to and intimidated by the Communist Party. Because of their gratitude, when faced with great social and political questions, the people blindly followed, rather than engaging in thought or demonstrating their will, leading to tragedies like the "Anti-Rightist Movement," the "Great Leap Forward," and the "Cultural Revolution." Being intimidated, the people dared not doubt or oppose any party decision or social phenomenon. There was therefore no restraint on the use of power by the Communist Party, with actual policy made by several people in the Politburo, or even one man.]

[(Editors' paraphrase of omitted portion:) To solve the contradictions and problems that exist today, we should not be looking to those who support everything and never offend anyone, but should seek those who dare to speak out, who are on the cutting edge of society's contradictions.

[The old contradictions have been replaced by new ones; the old formulas also have to be changed. The Communist Party must learn how to interrelate with the people under current conditions. It is no longer a question of carrying out the "three togethers" (eating, living, and working together with the masses), or looking for model workers to be people's representatives, or playing at negotiating with some old people in the democratic parties.

[Who were the ones who participated in the April Fifth Movement that destroyed the base of the Gang of Four? It was not the newspapers who first pointed out the significance of April Fifth. That movement arose from the dissatisfaction of the

people with the chronic disease of the system and the leadership style of the Party. Who yelled that what China needed was not to return to the pre-Cultural Revolution period (the mother of the ten years of catastrophe) but rather to oppose bureaucracy, restrict special privileges, and reform the political and economic system? Most important have been the youth, who have been called the "confused, the irresolute generation." They are the very ones who have been most damaged over the last ten years.

[The Xidan Democracy Wall was a free forum concentrating together in one place the thoughts of this generation of youth. There was no flattery, irresolution, or timidity. There was the youthful spirit of urgently seeking solutions to matters involving the fate of the nation. The Party and state have their own line and policy; each person has his own view. You say yours is good, someone else feels his is good; we might as well compare and discuss them. In this spirit, the various groups and publications were spawned.]

However, the propaganda organizations have criticized us in hundreds of ways and blamed us on many counts. In order to eliminate any suspicions in the minds of the people, I should select some of the important ones for analysis.

1) Rejecting the leadership of the Party and attempting to overthrow the socialist system.

We have not opposed the Party's leadership. But we don't agree with the vulgarization and absolutism of the Party's leadership. First, what is meant by leadership? It has the meaning of leading, guiding, and instructing. The leadership of the Party means that the Party leads, guides, and instructs in national affairs; essentially, it means that the Party leads, guides, and instructs the nation and the government in the formulation of major policies on the basis of the Party's theory

I am dejected by the thought that the fuel which propels history is blood.

and ideology, to enable the nation and the government to progress in the direction chartered by the Party, namely, the socialist direction. However, in real life, what happens first is the vulgarization of the Party leadership. [Some] believe that only when the Party committee shows its face in actual work can there be Party leadership. In fact, this is only the removal of the original administrative apparatus, and the substitution for it by another administrative apparatus, which is called "Party committee." Next, the leadership of the Party is made absolute, alleging that people's thoughts have to be in accordance with the Party's understanding and the Party's theory, and that this principle or that principle must be maintained; if there is any new viewpoint which does not correspond with the old concept, or which transcends the old concept, it is called rejection of the Party's leadership. I believe that those people who are supportive of the Communist Party as the ruling party, namely, who are not objectively and subjectively seeking to throw the Party off the stage, are people who approve of the Party's leadership. From this perspective, we can say we are not the people who do not want the Party's leadership.

Are there people who attempt to overthrow the system of our nation? There should be some, and I can decidedly say there are. "When the forest is huge, the birds are numerous; there are all kinds of birds." In a nation of one billion, how can there not be a certain type of people? Not only in China, perhaps in any country of the world, there are always this kind of people. The size of this population depends on the objective conditions for the realization of their attempt. If their size is small and the objective conditions are basically nonexistent, then theirs

are merely the sad noises made by the insects in the fall. Those who try to make a great deal out of these few noises are mentally abnormal and maybe paranoid. Some are like Lin Biao and the "Gang of Four," manufacturing mythologies in order to conspire to reach the unspeakable goal, or manufacturing mythologies which frighten the common people so that they will be obedient and easy to rule. In present-day China, there is basically no element which can overthrow the system of the nation. Saying frightening things just to raise an alarm has no other purposes than what I have set forth above.

The "democratic movement" has no such purposes; what we want is to improve and reform the contemporary system. We are not for overthrowing our nation's system and walking down another road; Democracy Wall was in the main without such intentions. This is because the Communist Party subjectively has good intentions, is thinking of providing good leadership and managing our nation well to enable our nation to prosper and develop; the leadership in the past had accomplished a great deal. Even if we ignore the fact that the socialist system in China is a reality and is realistic, is very popular and accepted by the people, anybody who is willing to look at the world objectively will find that, if he harbors such a conspiratorial intent, he will be faced with an insuperable barrier.

First, the Communist Party is a large party of 37 million members; it is the only powerful party in China; it decisively controls the power of the state and the government. The Party has a comprehensive theory, which has been known to every family and every household, has become a component part of the psychology of the people. Any other political group or political force, when faced with such a huge party, is infinitesimal, and certainly lacks the power to overthrow [the system]. Second, anybody who has a sense of social responsibility will acknowledge that it is not permissible to have great upheavals in China. To overthrow [the system] must be by way of social upheaval. Disregarding others, just the problem of feeding the people would not permit upheavals. We have one billion people, and we have an [arable] land area of 1.5 billion [square kilometers]. On the average each person has a little over 600 catties of food grain [per year]; if there is a great upheaval, food grain will be sharply reduced, and neither the world nor any other nations can have the power to save and help China. Then, tens of thousands of people will starve to death, presenting an imaginable picture of hell. Therefore, those who aim to make the nation and state prosper will never resort to such means to realize their goals. Those who have other goals and hope to tread the dangerous path will not get the support of society; isolated, they will not be able to make large waves. Under this situation, if some people are crying for the overthrow [of the system] with a lot of enthusiasm, actually they are deliberately weaving scary mythologies.

Of course, I cannot rule out the possibility of new developments. The direction of social development is the sum of the various political forces in society. If the Party still persists in its all-encompassing leadership, it will never permit or tolerate the theories and viewpoints outside the Party, aiming instead for the unity of thought with poverty of spirit. Frankly, the "proletarian dictatorship" is the Party leaders' dictatorship over those people whom they are not happy with. Productive forces cannot develop rationally at high speed; livelihood cannot be improved in accordance with the rate of development of the world; there is inability to analyse objectively all kinds of viewpoints in society. Instead, the first step is to put them in the position of the enemy. It persists in the styles of leadership of the past and it is unable to follow the trend of the times, namely, it is unable to produce a new leadership style when confronted with new contradictions, thus causing social contradictions to become acute. At such times it is not impossible

to have great upheavals in society. It becomes a problem of reality. For instance, there was the case of the Great Cultural Revolution. The fact that the nation could be returned to order after the Great Cultural Revolution was not because of the wisdom of several individuals, but because of the society's great psychological inertia, which prevented the overturn of the cart. Now, however, the factor of this kind of psychological inertia has already disappeared.

We, the main body of Democracy Wall, the vanguard of the democratic movement in China, are of the view that contemporary society needs to be reformed, but we do not appreciate, nor do we approve of, "reaching great order through nationwide upheavals." Therefore, we hope for the possibility of the reduction of contradictions or their smooth resolution. To resolve contradictions, we must confront contradictions; we cannot avoid the contradictions, or use high pressure to push contradictions into the interior, so that they are not visible on the surface. "The bystanders are clear in their sight while those in power are confused." The Communist Party is the party in power; because of its historical victory, it has self-confidence and pride, and on many problems it cannot see the whole picture very clearly. The various "democratic parties" have long since lost their power for sharp observation, and they lack the courage to speak out frankly; these bystanders are not companions who dare to speak out courageously to the power-holders. The model workers who can only have a show of hands and the people's delegates of the different levels that are produced in that fashion are politically the blind. They can only be led by the Party (their superior). History has bestowed the responsibility and glory of "the mirror" and "the courageous and outspoken friend" to the contemporary young people who dare to speak and act. This is also the historical responsibility and social service which the young people of today cannot refuse to accept.

2) Ulterior motives.

Those who say that we have "ulterior motives" are smarter and trickier than those who say that we reject the leadership of the Party and that we want to overthrow the socialist system. When the newspapers print words such as "counterrevolutionary," "antisocialist," "anti-Marxist-Leninist," and "subvert and overthrow," it is really frightening. But, as they always cry out in those frightening words but fail to cite concrete individuals and concrete events, they cannot avoid being ineffective. For instance, there is the fable about a boy who tended sheep; when he was tending the sheep he always cried, "Wolf! wolf!" His relatives and neighbors all came with weapons to fight the wolf. After several vain efforts, they began to distrust the shepherd, and he had to eat the bitter fruit of his own lies at the end. Newspapers are like this; if they always cry "subversion and overthrow," but cannot cite concrete instances, it will be difficult for people to believe in them. The final result may not be better than that boy's. It has been more than two years since the beginning of the democratic movement in November 1978, and the newspapers have not been able to cite any activity for the subversion and overthrow of our nation's system by any individual among those who are involved in the democratic movement. Even Wei Jingsheng is only opposing socialism and Marxism-Leninism in thought and speech; he has not turned to opposition in action; this means that he is simply exercising his freedom of speech, which cannot be construed to mean counterrevolutionary behavior of subversion and overthrow. Therefore, it is no longer suitable for the newspapers to cry out those scary words. Consequently, some of the smarter people have begun to give up those frightening words, and instead use a derogatory term in the Chinese language, "those who have ulterior motives," a term whose content is rather unclear, and whose users do not know its meaning.

In fact, owing to the situation of the long-term political life in Chinese society, this term, in the minds of the people, is like a conditioned reflex first put in the category of such concepts as "counterrevolutionary," "anti-Party," "antisocialist," "anti-Marxist-Leninist," and "reactionary." This is perhaps the main reason those people employ such an unclear concept. However, I have refuted this type of concept before, and I shall not repeat my words here.

"People of ulterior motive," in the minds of the people, can easily be formed into the image that these people are destroying the "great and good circumstances of order and unity," are trying to muddy the waters, and expect "to have official positions after they succeed in making troubles" and obtain personal benefit. Among those who participate in the democratic movement, we should say that there are some of this type, but they are not the main body; they are only the minority. The great majority of these people are truly for a reliable and guaranteed order and unity; they hope for the realization of authentic democracy and the rule of law; they hope that the nation will be prosperous and successful. Furthermore, the great majority of them are not stupid bums without any political sense; they cannot be unaware of the fact that the democratic movement is no longer "revolution ordered by the emperor"²⁶ of the past; nor is it time "to become officials after you are successful at making troubles" as in the period of the Great Cultural Revolution. Today, when one joins the "democratic movement," one is closer to the "jailhouse" than to "wearing an official's hat."

If there were really official posts, would these people want them? Some would, and some would not. Those who would not would be in the majority because the great majority of the people who are taking part in the democratic movement now are doing so not because of indignation, resentment, or private gains, but because of their understanding of history and their shouldering their historical task. If they want to complete their tasks, they cannot "accept amnesty and serve the government"; nor can they become people who lack the spirit to speak up without hesitation by accepting official assignments and tasks. I mentioned earlier a visit paid to me by a certain person with official status; he clearly indicated to me that he was under the instruction of a certain important national leader to come to me; he hinted that I could go to work at the center of the Youth League. As far as I know there were quite a few who had received such hints; and without exception, every one of us assumed the attitude of politely declining the offer. We have not used the democratic movement as an area for speculation and adventure. Moreover, many of us were not without opportunities for a better future; many of our friends have been accepted as graduate students. A good portion of us have given up these kinds of opportunities not because we don't have the ability, but rather because we realize that we are more needed in the democratic movement and we can make a greater contribution. Even when we were given a choice between prison and freedom, we did not apostasize in order to obtain freedom. In the interrogation on January 18, 1980, the white-haired interrogator said very clearly that if I should follow his "guidance" and acknowledge my "mistakes," I would be able "to serve the people," and "to make a contribution" — naturally, I could get "special treatment" just as Yang Guang²⁷ and Yu Yi²⁸ did. I also knew what was in store for me if I did not go along with this guidance. I did not fail to consider the guidance offered by the white-haired interrogator; but I always felt that to trade your humanity in exchange for a bit of freedom was paying too high a price. I guess these other imprisoned people were put in similar circumstances. Some prisoner-friends who shared the roof with me told me sincerely that in the political cases they had seen in the past dozen or so years, those who came in because of

their participation in the democratic movement were the most firm and most optimistic.

However, we are not gods who do not need to eat like humans must, who can transcend the three emotions and five elements; we are not the Communist heroes who have no consideration for themselves but live for others. We have our emotions and desires; we have considerations for ourselves and our hopes. We hope that we are true human beings, citizens. We have our own brains and our inalienable rights. We have our own sense of value and we want to become persons of value, to make a contribution. We don't want to be persons of no value and of no consequence. Take for example our April Fifth Forum: our wish is to make the periodical influential with an honest reputation through long-term efforts, to get the trust of the society, and to contribute our share of strength in the important moments and on the important questions of the Chinese nation. We are willing to sweat to obtain the results of our labor and praises. We are willing to be people who have made a contribution, but not people with power and prestige. We are willing to be people of value, but not people who have money.

Some people picture us as those who participate in the democratic movement because of personal circumstances, gratitude, or resentment, because of the impact of the "Gang of Four," or because we want to change the verdict on the "Gang of Four," and are in sympathy with them. They characterize us as aimless and irresponsible, and they say that we are worried lest the world not be in great turmoil. Those who have the slightest understanding of us would not believe in such lies; they are not worthy of rebuttal, and I therefore shall say no more.

3) You are the smallest minority, a very small bunch.

There is a certain kind of opinion, frequently expressed in the newspapers, which states that we are the smallest minority, a very small bunch, not welcomed by the broad masses, and that if we have our freedom there will not be freedom left for the broad masses. Are we the smallest minority, a very small bunch? I don't think so.

In our country, the people have never been allowed even once the opportunity to express their hopes, needs, and hardships. The excuses are that we have too many people or that it is well nigh impossible. There has never been an opportunity for the people to express freely their support for or opposition to something. There has never been popular ratification of the Constitution or direct election of representatives by the people. The people's representatives are elected under the conditions when the people don't understand or understand very little. Because the people are not the ones who make them representatives, the representatives do not need to be responsible to the people, to reflect the wishes, needs, and sufferings of the people. In reality there have never been people's representatives in our country. Historically, the Communist Party has always bragged of being the people's representative, and it did obtain the people's genuine approval. Thereafter, every time and in every event, the official circles claim to be the representatives of the people. When they open their mouths, they represent the people; when they shut their mouths, they are representatives of the people. Those who are not agreeable to them are reprimanded as the smallest minority, a small bunch, not approved by the broad masses. In reality, the many doings of the official circles do not represent the people; they are even opposed by the people. The best examples are Lin Biao, who claimed to be representing the people when he was in power, and the "Gang of Four," who also claimed to represent the people when they were in power. Finally, when they were ousted they became enemies of the people. When the people are deprived of the right to say that certain self-claimers are not their representatives, the situation arises in which whoever are in power

become people's representatives. Furthermore, whatever is done by the representatives is not always approved by the people, for instance, the "Great Leap Forward," and the "Great Proletarian Cultural Revolution." I believe that we should consider "representing the people" and "representing the majority" as synonymous with "power-holders." The real representatives of the people and the real representatives of the majority are not self-proclaimed; they need to undergo practice: to be elected by one ballot after another.

Whether our thinking and viewpoint represent the great majority or minority cannot be decided by any means at the moment, because there is no opportunity to let many people understand, and there is no way to let the ballots speak. It is correct that when we marched and demonstrated our people were not numerous; we could not compare with the population of the entire country; even when we compared our number with the population of Beijing, we were a tiny minority. However, can we decide then that our viewpoint can only represent the smallest minority? I believe that we cannot say that. The April Fifth movement had at most fewer than one hundred or two hundred thousand people at the Tianan Men Square; compared with the eight million people of Beijing, they were undoubtedly the minority. Can you say, because of this comparison, the April Fifth movement was a movement of the tiny minority? When Iran kept Americans hostages, some one or two hundred university students in New York put on a costumed demonstration and march; can you therefore decide that the American people were not opposed to Iran's taking hostages? After the April Fifth [movement] it was learned that there were two resolutions which relieved Deng Xiaoping of all his positions and responsibilities; in the whole country there were more than ten million people taking part in the march to show "enthusiastic support" [for the resolutions]; can you therefore decide that that march expressed the will of the absolute majority of the Chinese people? In the past there were demonstrations and marches on a grand scale to indicate "Cuba, si, Yankees, no," and to support Iraq, Cambodia, and Vietnam. In the

Our leaders would have us believe that freedom in Japan results in chaos. But what we see there is the miracle of prosperity.

whole country there were a considerable number of people who took part in them; can you therefore say that these were the conscious activities of the people, not merely the following of certain forms? Among the demonstrators, at least half of them had not known of the existence of these countries before the demonstrations, and at least ninety percent of them could not explain clearly why they had to support these nations. Therefore, before the ballots elect a majority, nobody has the right to say that he represents the majority, or to regard his own viewpoint and understanding to be the people's viewpoint and understanding, or to utilize representing the absolute majority of the people to gold-leaf his face. What the state says represents the state; what the government says represents the government; what is said by the individual or the group represents the individual or the group. If we want to find out whose viewpoint and understanding represent that of the absolute majority of the people in the nation, we must let the people of the nation have a chance to express their will, and we must let the people cast their ballots freely.

If you claim to be the representative of the people and representative of the absolute majority before the ballots can speak,

you are buying fame and fishing for reputation. When you consider that those who speak this way have the power in their hands, it looks as though he is using his position to oppress people. This is very bad. When you not only claim to be the representative of the people, but you also proceed to deprive those people who disagree with you and who are designated by you as the smallest minority of their right to speech, it is not only bad, it is a violation of the Constitution. The Constitution does not say that only the representatives of the absolute majority can speak and that the representatives of the smallest minority are not permitted to speak. Mao Zedong said, "Truth is often in the hands of the minority." New things and new laws are always discovered by a very small number of people; it is impossible to have them discovered by the absolute majority of the people on the same day and at the same time.

We must no longer allow the power structure of any level to arrogate to itself the status of representative of the people and to proceed to deprive "the minority," in fact the people, of the right of speech. Lin [Biao and] Jiang [Qing] did exactly this; they forced the society to speak only their "revolutionary language," and they did not allow others. Today, we have already seen clearly the sufferings and losses created by these "people's representatives." Socialist democracy can no longer allow a few people to use the names of "Great," "Public," and "representatives of the people" to eliminate the viewpoints of the minority and the existence of the minority. In fact this is the elimination of the existence of the people; this is behavior violating democracy in the name of democracy. If our nation must interpret the concept of socialist democracy to be the right of the absolute majority to express its will, when the minority is without the right to express its will, and if [some people] arrogate to themselves the status of representatives of the absolute majority, then in fact, only the official circles have the right to express their will. I can't see why the people should select and support this type of democracy, but not select the democracy of the West. As an individual, I'd like to announce seriously that if socialist democracy is only of that kind, I'd prefer the democracy of the West, not this socialist democracy. Even if I should be subject to exploitation, I would be contented. "We eat to live; to live is not for eating"; but in that kind of socialist democracy the broad masses of people are put in the position that "they eat to live and they live to eat." It was like that in the periods when Lin Biao and Jiang Qing were in power. This is deprivation of man's most basic rights. Thinking, expressing one's will, actively changing

When "revolution" and "counter-revolution" are legislated, the law fails as a measure of conduct and becomes an all-purpose magic cudgel in the hands of the mighty.

one's environment are rights of man that come with his birth. But, after I have thumbed through several volumes of works by Marx and Lenin, my understanding — provided I make no mistake in the understanding of the written words — is that the freedom in socialist democracy is a million times stronger than that of capitalism, that socialism does not utilize names such as "Great," "Public," and "representing the people" to abolish the existence of the individual. On the contrary, it wants to give every individual opportunities and convenience to express his thought, to enliven the society; with exuberance, new viewpoints and new laws are continuously produced; after recognizing their correctness, society will quickly accept those that are beneficial to it, and society always carries out the will of the

majority. Therefore the task of the young people of this generation is not to forsake socialism, but to perfect socialism and struggle against those nonsocialist [people who] force their wills on the society.

4) The important responsibilities of the country are managed by the leaders of the Party and of the nation; the lowly common people need not meddle.

This is a kind of thinking very widely circulated in society; this is also the deep lament of the broad masses of people who feel so very powerless in their political life.

Are national responsibilities unrelated to the individuals? Should the common people stop meddling? Our understanding is just the opposite. If a person's ability to observe things cannot exceed the little room in which he resides and cannot penetrate the superficial appearance of the things, it is easy for him to regard those things which do not directly injure himself as something unrelated to him. But, if we examine the history and the world, we shall see that the responsibilities of the nation are related to the personal interest of every individual...

[The omission is on stimulating China's productive forces, as Japan has been able to do.]

During the Great Cultural Revolution, almost every family and every individual suffered certain losses, and were scarred. If we are not concerned about politics, and if we don't shovel off the political factors, historical factors, and social factors which produced the Great Cultural Revolution, it is certainly not impossible that history will repeat itself. Is this not related to the great common interests of the individuals? ...

... When I look back in history, I see very long and dark shadows, within which there were Yu Luoke, Zhang Zhixin, Ma Mianzhen, Shi Yunfeng, and others. They had not talked more than I, and they had not done more than I, yet they were deprived of their rights to life, whereas I am only being mercifully subject to education through labor for three years. My heart suffers the cold mockery with a twitch of pain. History has moved forward. The heroes' blood was not spilled in vain...

When I look forward to the future, I see the nation carrying the heavy burden of history and enduring the meddling of the ensnaring traps composed of the various common interests; I see conservative forces trying their best to pull the nation back. I feel that the history is still in need of people like Yu Luoke and Zhang Zhixin. My heart is very heavy. I know that the fuel for the propelling of history is life and blood; however, I am very dejected, dejected...

[Editors' summary of omitted portion:] Liu Qing invites the Beijing Public Security Bureau and judicial circles to confront him and his account in open court; short of that, their actions will still receive a just verdict from the court of public opinion.]

[(Editors' paraphrase of omitted portion:) I am entrusting this document to someone to carry out of the prison. Time does not permit me to write any more, and I cannot discuss point-by-point the charges against me — "excessive individualism," "anarchism," "absolute liberalism," "dissidence," etc. I simply note in passing that these terms are inappropriate to describe the democracy movement. Laws, even unreasonable laws, were obeyed. The only rights demanded were those already specified in the Constitution. Although mistakes, including damaging mistakes, were made, it is wrong to negate the movement entirely, just as it would be wrong to reject the Communist Party simply because of its mistakes.] x

off the next. During daytime their main job is to check ingress and egress, accompany prisoners to the visiting area and take them to meet with their lawyers. At night they are on watch. Even though there are some rest periods, this is hardly a normal life. After working 24 hours, most of them look the worse for wear. These two squads are in fierce combat with each other, especially those at the head guard level and below, who take up the fight with real enthusiasm.

According to the common view of guard duty, duty shift normally rotates every two hours in what we call the "dog watch." But at the Taipei Detention Center this is quite a joke. One day-shift officer is on from eight in the morning until five o'clock in the afternoon, with one and a half hours of unscheduled breaks. Two night officers take his place at five p.m., and change off at 6:30, 8:30, 12:30, 3:00 and 5:00.

So the whole night through the situation is this: With just one bed, the one gets up and the other crashes, so that night after night neither gets any good sleep. And when it is one's turn to go on shift, it is all one can do to keep from nodding off. So the authorities have come up with a clever gambit: When night falls, they make off with all the tables and chairs so that the officer on duty can't sit down. Naturally, this doesn't make for an easy nap. As for the guards on watch at the sentry posts, they are required to phone Central Control every half-hour to prove that they are not off in dreamland. The catch is that phone calls like this are not required during the daylight hours, so there are those who are known to catch a few winks in the daytime. And that is how Wang Chien-fu gave them the slip in broad daylight.

Trafficking and Terror

Because the night is long and sleep slight, it is mostly at night that all kinds of goings-on take place. Tormenting the inmates is foremost among the means used by the night shift officers to kill the monotony. And of course it is then that the trafficking in tobacco, booze, reds, whites and betel nut is most rampant. Many of the night shift officers conceal pack upon pack of cigarettes around their waist; come time to deliver the goods, they open their outer jacket to reveal with a flourish a whole coil of cigarettes, strung like cartridges in a bandoleer. As for alcohol, they hide that either in thermos bottles or vinyl bags. So complete is their service that they even stand lookout outside while the inmate imbibes.

In the war between Squads A and B, the contest mainly centers on trying to catch everything that members of the other squad are smuggling in. On establishing that the tobacco, liquor, reds, whites, betel nuts or what-have-you were not brought in by one's own side, interrogation and torture of the inmate begins in earnest, to force him to reveal his source, thereby making the other side look bad. For example, when Wang Ch'un of the No. 4 Shop was caught with five litres of kaoliang (7) in a vinyl container, his hands and feet were shackled to a stretcher by the head of one squad, the General Administrator, Officer Cheng and Officer Yü. They lashed him unconscious with a leather whip, then threw water on him to get him to confess. Later, a heroic inmate found a way to pass word outside. Wang Ch'un's family brought the prosecutor and a forensic pathologist to investigate. But during the questioning Wang Ch'un could not take the pressure from all quarters and he told them to go back, to which, unsurprisingly enough, the prosecutor agreed.

Obviously this is a serious and far-reaching matter. According to Article 126 of the Criminal Code, the crime of prisoner abuse does not require a complaint to be prosecuted; and Case 1940-Shang No. 31 provides a clear legal precedent where a prison guard was given a one-year

prison rap for having beaten a prisoner senseless. This kind of "cooperation" from the prosecutor makes him guilty of the crime specified in Article 135 of the Criminal Code, that of dereliction of duty for failing to prosecute when there was no reason not to.

Nevertheless, this kind of torture to force a confession does not necessarily produce results, because when they run up against someone of gangster rank, those guys aren't too likely to rat. On the night of 12 November 1981, a mobster locked down in the Chung-1 Block used a rope to pass "five drums" (underworld parlance for five packs of cigarettes) up to Chung-2. A guard got wise and immediately invaded his cell, turning up another "five drums." He dragged the inmate out and fell to whipping him without letup, but the gangster stood fast and would not divulge the source. So it can be seen that there is good reason why the guards are only too glad to cooperate with gangsters. The guys from gangland care about "face," and they are always eager to show that they can take the rap on their own. So it follows that if you work together with a mobster, you won't have any trouble.

There wasn't a thing one certain guard, Officer C, didn't sell. Every time he came on duty, he had things concealed on his person from head to toe—he was a veritable walking dispensary. But he never once got into any trouble, for no other reason than that he had joined the "undercurrent!" If you don't play the game right, however, you're in for trouble. In mid-December 1981 there occurred the "Ch'ou An-t'ai Incident." Ch'ou, a 35 year old guard, used to be the night shift officer in charge of Jen-3 and Ai-3. Owing to an incident of "running smoke" (selling cigarettes on the sly) in his ward and the discovery of an orderly's taking of bribes, the day shift officer, Hsieh Chün-yang, was demoted to patrol duty and Ch'ou An-t'ai was transferred to the Chung-3 and Hsiao-3 night shift. But he still wasn't "careful," and went on smuggling money in to the inmates. The general practice was this: An officer would go to the inmate's family and pick up NT\$10,000 [approximately US\$260], taking a cut of 2,000 as "travel expenses." But not Ch'ou An-t'ai. He would take 3,000—sometimes he'd even take the whole of it. The inmates hated him. Finally, when one of the families knew that he was coming, they informed the detention center, which dispatched personnel from the Second Staff Office to go in advance and lie in ambush with a tape recorder. He was arrested and, once his no-visitation-rights term (8) was done, on 20 January 1982 they moved him to Hsiao-1 Cell 36. They call him "the defendant officer."

Running Smoke, Pushing Dope

The majority of those who get caught "running smoke" are guards who are either short on experience or have uncommonly bad luck.

A man with a deep store of detention center experience is the head of the General Administration Office, T'ung Chia-ch'eng, whose nephew, T'ung Ts'ung-ming, 28, works there as a guard. [Ts'ung-ming] sold nine packs of New Paradise for NT\$2,000 to a locked-down inmate, Chang Shu-liang, who in turn sold them to Lin Ho-nan. (9) Another example is Guard Chuang Chien-kuo, 25, who hid ten packs of Long Life cigarettes in a drawer in the Ho-2 bath, then let inmate Ch'en Chin-shu out of his cell to sell them for NT\$3,000 to Lin Feng-hsiang. Then there is Chang Shu-chung, 28, and Wen Ch'in-feng, 26, both of them temporary guards. At 8:10 on the evening of February 14, Chang Shu-chung bought 250 packs of Long Life cigarettes and took them to the bottom of Sentry Post No. 1, where Wen Ch'in-feng hoisted them up with a rope. Then Chang Shu-chung walked into the prison empty-handed, went to Sentry Post No. 1 and picked them up, whereupon he sold them to inmate Hsiung Yü-cheng at a per-pack price of

NT\$100, for a tidy little take of \$25,000. Cases like this simply abound.

"Running smoke" isn't the whole of it. There is also running drugs. On two different occasions Guard T'an K'un-ch'üan, 28, worked with inmate Hsü K'ai-hsi to sell some 600 tabs of "reds," "whites," and other drugs at NT\$100 per tab--one of the more obvious examples.

Aside from drugs, the kinds of things that can be brought in and sold are simply legion. On 25 September 1980, at 15 minutes after midnight, Guard Lai Hsi-chih hustled in eighty chews of betel nut, planning to push them on the sly. He was caught, whereupon he attempted, without success, to bribe Head Guard Ch'iu Kuo-li and Guard Li Huan-sheng, for which he was indicted. When it comes to peddling betel nuts, though, Lai Hsi-chih certainly wasn't the first. Before him there was Guard X, who entered the facility one night with betel nut concealed in a thermos bottle. A section chief caught him and asked him what was in the bottle. He said it was betel nut. The section chief asked him if he was planning to sell it. He said no, he was going to chew it himself. The section chief said, "Funny, I've never seen you chew it before. C'mon, let me see! Have a chew!" Guard X gritted his teeth and proceeded right there to demonstrate how he could chew betel nut. He chewed until tears were streaming down his face. (He never dared sell betel nut again after that; he switched to alcohol.)

Strapped to the Stretcher

Concerning the mistreatment of prisoners, Article 126 of the Criminal Code clearly stipulates that "one who physically abuses a prisoner shall be punished with imprisonment of not less than one and not more than seven years." Obviously, the law already has an article that deals specifically with this issue, which suggests how serious the situation is. The most common forms of prisoner abuse are punching and kicking, or using the truncheon. Other than these, which can still be considered humane, they've still got use of the whip. Let me offer two examples.

At eight in the evening of 30 September 1981, Section Officer Huang Ming-ch'iang caught someone in Ho-1 Cell 13 smoking a "rat's tail." Since a "rat's tail" is not considered a true cigarette, it customarily does not rate punishment so severe as a beating. But Section Officer Huang really lit into him, arousing a great deal of discontent among the inmates on the block. The upshot of that was that eleven people were dragged out of their cells and taken to the prison regulation violator cells in Chung-3. They were all shackled and they were all beaten, with their screams of agony resounding through the whole facility. The eleven were: Liao Ming-in, Chou Yang-ch'uan, Kuo Chin-p'ing, Su Chao-nan, Hung Mao-yang, Liu Yao-hsiung, Wu Chin-ch'ing, Hsiao Ah-ch'eng, Weng Cheng-liang, Wang Yü-tung and Wu Shui-teh. The next day the same routine was followed, this time in the Ai-1 Block, with thirteen prisoners from cells 1, 5 and 8: Chang Han-ch'i, Chiang Lin-ch'eng, P'eng Hsi-lung, Lai Ting-ming, Chou T'ai-yüan, Tan Ts'un-hsien, Chung Ch'un-hsiung, Mao Shou-kang, Li

The prisoners were shackled and beaten; their screams of agony resounded through the whole facility.

Fang-shan, Chiang Jung-ts'ang, Kao Cheng-hsiung, Wu Yi-ming and Ch'en Chin-huang. Their screams also echoed throughout the facility.

These were the deeds of the "beat them in the evening" school, as opposed to the "beat them in the pre-dawn hours" school, which is all the more odious. The most serious incident happened sometime after four on the morning of 19 January 1982, when they beat a prisoner who was somewhat mentally abnormal. The prisoner screamed, "Don't beat me! Don't beat me!" but they didn't stop. In a while the sounds grew more distant, so probably they took him down to the cellar to beat him some more.

Aside from the whip, another means of abusing the prisoner is called "strapping to the stretcher," where they secure the prisoner's hands and feet to a first aid stretcher with four manacles so that he can't move, eat, drink, shit, piss or sleep. If you want to eat, someone must feed you, and if you want to drink then someone has to pour. Shitting and pissing you do in your pants. And sleep, that is out of the question. The cruel torture of "strapping to the stretcher" is a performance at which Warden Chu Kuang-chün excels. The time he did it to Li Wen-jung it was for seven days and seven nights. The time he strapped down Ku Yung-ch'eng, before doing so he lied to him, saying that he had already filed a report to his superiors [to the effect that he would be taking these measures]. Unexpectedly, however, the next day someone paid a visit to inspect the facility, so Ku was accorded preferential treatment and was let off. The time when Yang Ying-lung was "strapped to the stretcher" for having given kaoliang to Liu Wei-min, some heroic inmate found a way to get the news out, which was passed to the prosecutor. Yang Ying-lung, Li Wen-jung, Hsü K'ai-hsi and retired guards Huang Hsiang-hua and T'an K'un-ch'üan all testified as to the truth when investigated by the prosecutor. (Even T'an K'un-ch'üan himself was "strapped to the stretcher" for a day for having peddled drugs, so we can see just how seriously the authorities take their jobs if they are willing to strap down their own guards!) The prosecutor summoned Prison Security Chief Wang Wen-fa and gave him a strong reprimand. Clearly the prosecutor was guilty of the crime specified in Article 125 of the Criminal Code, that of dereliction of duty for failing to prosecute when there was no reason not to.

Proxy Punishment

Another method of mistreating prisoners is to let someone else do your dirty work. Nowadays, political scientists are pleased with themselves for having coined the term "proxy war," but this is something that the jailhouse honchos long ago mastered. With them it goes by the name of "proxy punishment." When it is not convenient for them to take action themselves, they commission a "proxy punishment" by one of their gangland lackies. Take the example of a shop officer whose nickname is "Hit Man." He is also the one at the facility who is responsible for running the "justice racket"--"Give me NT\$20,000, and you can stay at Tucheng. If you don't, then it is to Kueishan with you." Of the 20,000 his take is 10,000, the remainder being used to mobilize concerned personnel. He goes by the book when he takes his fee, and if you want to be assigned to some detail, the price is 5,000. He handles other deals, too. If he doesn't make good on the deal, he returns the money for sure, so he never has any trouble. Over the days and months he has accumulated quite a pile. He and his mistress opened a restaurant on Chung Shan North Road. A customer by the surname of Ou-Yang, whose business had failed, owed him money. He had four gangsters go over to the block where Ou-Yang's cell was, and they bodily carried Ou-Yang over to the bath, where they administered a dose of "proxy punishment" so bad that they injured his gall bladder and a lung. It "just so happened" that none of the other guards were around.

There were many other incidents like the Ou-Yang "proxy punishment." Just about every officer engages in it, and

if an officer had charge of a shop or cell block, for sure he made use of those who would dish out "proxy punishment" for him. This is nothing else but "dark dungeon penology."

All the above methods and implements used in the mistreatment of prisoners are against the law, because Article 12 of the Carrying Out of Prison Sentence Law clearly says that "implements shall be restricted to four types: leg shackles, manacles, chains and rope," and there is absolutely no mention of anything like truncheons, whips or stretchers. What's more, "shackles, manacles, chains and rope" are restricted to use only when "there is the threat of escape, suicide, violence or any other behavior disturbing to order" on the part of the inmate. According to the law, they cannot be used as means of punishment. Long ago, statutes were already written saying that no matter what infractions the prisoner might commit, they could not be dealt with by corporal punishment, so the use of any type of method or implement to inflict corporal punishment is against the law.

Old Chang's Leg Irons

Not only does the Taipei Detention Center use implements other than those specified in the Execution of Prison Sentence Law, even those implements specified in the law are misused. Let's take an example of misuse of leg shackles. Every prisoner sentenced to death is put in leg irons, although this is absolutely illegal. Justice Department Decree T'ai-1976-Chien No. 09477 clearly dictates that both reasons for use and procedures are to be based on Article 105, Paragraph 3 of the Code of Criminal Procedure. And this article specifies that "unless facts suffice to justify fear of violence, escape or suicide, no physical restraints shall be applied to the body." But take Chang Kuo-chieh of the Father-in-Law/Daughter-in-Law Murder Case in Chingmei. Already 75 years old, for the last eight years he has been emotionally stable and has quarrelled with no one. So what is the point of keeping an old man like this in leg irons? But, once on, the shackles stay on for eight years.

Again, according to Article 105, Paragraph 3, "restraint shall be imposed on the orders of the superior officer of the penal institution, but such orders shall be immediately referred to the court or prosecutor concerned for approval." In point of fact, however, the detention center either makes no such report or at least doesn't report everything. Lin Hao-hsing was put in leg irons for smoking. Su Chen-sung was put in leg irons for hiding cigarettes. People held in connection with Pien Shao-ch'uan's case were shackled. And Liu T'ai-sheng was put in leg irons for inquiring about a fellow prisoner who had been shackled before him. Leg irons are being used as a kind of punishment—indiscriminate punishment—and they are certainly not reporting this. Did Liu Hao-hsing's smoking of one cigarette qualify, may I ask, as constituting "danger of violence, escape or suicide?" Yet shackled he was. This was done by someone at no less than section officer level (a section officer named Huang Yung-shou, who goes by the nickname of "White Face"). If this is not prisoner abuse, then what is it? Article 19 of the Specific Guidelines for Implementation of the

Li Ts'ung-ming was kicked to death by Guard Cheng Wen-liang.

Detention Law clearly spells out that "implements of restraint shall not be used against the defendant as means of punishment," a ruling that is honored mainly in the breach by everyone at the detention center. As a result,

the sound of jangling leg irons can be heard everywhere and the sight of cripples everywhere seen. How can this be called "administration of justice?"

Of course they must be selective as to when they start taking it out on the prisoners. For example, during the Lunar New Year holidays, on New Year's Eve they don't touch a soul. Nor on the first. Nor on the second, up until lights out (9:00 p.m.). But no sooner has the clock struck nine, than from the top floors to the bottom the sound of their vengeance can be heard all around. For three days they've managed to hold off, and now they can wait no more! Less experienced guards who don't know how to use a little discretion in their timing of beatings run into trouble. Once at noon, on the way back from a court session, inmate Lin Jung-tsung was getting a last drink of water. Section Officer Huang Ming-ch'iang complained that he was too slow about it, and started beating him. Lin Jung-tsung couldn't contain his anger, and in the conflict returned the blows. The other guards who were there closed in on him from all sides, and the inmates erupted into mob rage. Chief of Prison Security, Wang Wen-fa, came running. Only after he agreed not to punish Lin Jung-tsung did the prisoners quiet down. So in the mistreating of prisoners, timing is all-important. Of course, this time they had chosen the wrong occasion.

The Pharmacologist's Physicals

Because of the incessant prisoner abuse, many prisoners die under unclear circumstances. A few examples.... On 31 July 1981 the case of the violent death of Li Ts'ung-ming occurred. 47 years old, Li was arrested on suspicion of raping the 15-year-old daughter of his common-law wife, Wang-Huang Shuang, six times. So he was put in Taipei Detention Center. At eight on the evening of 31 July he was suddenly injured. He was rushed to Chungshing Hospital in Panchiao, but died on the way. Warden Chu Kuang-chün, whose virtues enjoy Justice Minister Li Yüan-ts'u's highest esteem, declared that, when Li Ts'ung-ming was admitted, the detention center discovered his external injuries, but they didn't look so serious, so they did not apply to have him released for hospital care; he claimed that they did, however, treat his injuries no less than six times, yet remained unaware that his internal injuries were so serious.

We can only regard Chu Kuang-chün's explanation with suspicion. The reason for such suspicion becomes immediately clear upon looking up Article 7, Paragraph 1, Section 2 of the Specific Guidelines for Implementation of the Detention Law, wherein it clearly mandates that on being booked into the facility the defendant must be given



Guard says: "The rules do not permit beatings, but they say nothing about kicking." (From Cultivation Magazine, no. 6.)

There is incessant prisoner abuse, and many prisoners die under "unclear circumstances."

a medical checkup. However, in actuality the doctors and nurses at the detention center don't really give a good goddam about physical examinations, so they've foisted that responsibility off on the pharmacologist, Ch'üeh Chuang-shih. And, such being his responsibility, the so-called physical exams amount to no more than a check for the presence or absence of tattoos, and noting of the prisoner's own account of his physical condition. During my first term as political prisoner, at the Garrison Command's Military Court Detention Center, I was given a "physical examination" by the doctor, but the doctor, who held an adventure novel in his left hand and examined me with his right, summed up his findings in eight words: "Prisoner Li himself states he has stomach ailment!" From this it can be seen that Taipei Detention Center just locks people up, without really giving them a proper physical checkup. And, even if Li Ts'ung-ming actually did die from some sickness, Li Yüan-ts'u, Chu Kuang-chün, et al., cannot evade their own responsibility for having failed to perform their jobs properly. But there is a lot more to the death of Li Ts'ung-ming than that.

When Li Ts'ung-ming died, Warden Chu Kuang-chün announced that the facility absolutely forbade the beating of prisoners by guards, or by other prisoners, and took strong measures to prevent it, so there was no possibility whatever that Li Ts'ung-ming died from a beating. The only problem is, Li Ts'ung-ming was admitted to the facility on 17 July 1981, and it was on the fourteenth day after admission that he died. And the Justice Department's Bureau of Investigation, in its report, the document referenced Section Six-1981-Chienmao No. 4839, clearly states that the fatal injury "occurred within the last two days," and that "injury [ruptured spleen] occurred one or two hours prior to time of death." So the line that attributes Li Ts'ung-ming's external injuries to events that took place before his detention 14 days earlier obviously does not accord with the scientific "observation" of the corpse. When the prosecutor investigated the case, the prison authorities and defendants who shared Li Ts'ung-ming's cell all denied, as one voice, that he had been beaten. To every question they would only answer, "I don't know, I don't know, I don't know." The prosecutor waited four months, until three of Li's cellmates were released, then summoned them again for questioning, because now they were free men and could reveal the truth—which, it turned out, was that Li had been kicked to death by Guard Cheng Wen-liang. So if we adopt a strictly literal interpretation of Chu Kuang-chün's statement to the effect that beating is prohibited, he is not lying, since they don't "beat" people, they "kick" them. After all, "beating" isn't "kicking!"

A String of Sudden Deaths

Fresh on the heels of Li Ts'ung-ming's violent death came another sudden-death incident, that of Mao Sung-feng. Mao was apprehended while in the act of stealing in the early morning hours of 26 September, at No. 180 Yungfeng Road in Tucheng. Prosecutor Liu Fu-sheng of the Panchiao Branch of the District Prosecutor's Office demanded that he post bail of NT\$100,000 [US\$2,630]. Having no money, Mao was jailed. Suddenly, at 11:10 a.m. on the 28th, the detention center sent him to Chunghsing Hospital, where he died at 2:15 that afternoon. According to his family, they had never received a notice to the effect that they could

post bail. Only 31, Mao Sung-feng was a deliveryman at a gas company. He was in excellent physical condition, and could carry a propane tank all the way from the first floor up to the fourth. He did not die early, neither did he die late; all it took was a visit to the detention center. The detention center authorities were naturally able to explain away their responsibility nice and neat, but clearly they can't get around the fact that they did not fully exercise their duty to perform a "physical examination" at time of admission. If they conscientiously administered "physical examinations," then Mao Sung-feng should have been put in the "Sick Ward" from the beginning. Those living in the cells die one after another, while not a one of those residing in the "sick ward" dies—isn't that odd?

Strange things of this sort can surely be no coincidence. Chang Ch'üan, an overseas Chinese from Malaysia, was serving a sentence at Taipei Detention Center for fraud. His wife had just gone back to Malaysia a month before, when, on 14 January 1982, he met sudden death—again a death en route to Chunghsing Hospital in Panchiao. Likewise, he had not been a resident of the "sick ward," and likewise the circumstances surrounding his death are unclear.

A mere five days after the passing of this overseas Chinese, another one died, a 61-year-old Shanghainese named Lin Chih-hsin. Sentenced to five months' imprisonment for fraud, he was admitted to the facility on 21 October 1981. At the physical examination: "prisoner

Those living in the cells die one after another, while none of those residing in the "sick ward" dies. Isn't that odd?

complains of liver ailment." But the authorities did not regard it as serious, and the very next day he was assigned to the commissary to fry eggs—that he might have infected others with hepatitis can be easily imagined! The old man fried those eggs for eighty days, but couldn't hold up. On 19 January 1982 they sent him to the "sick ward." But they were too late: he died the same day.

But if we say that they are a trifle tardy in getting people to the hospital, that isn't the whole of it. Take Ch'en Ah-mu, 49 years old, admitted on 10 August 1981 on an opium charge. Working through his connections, he was able to get an inside track with Warden Chu Kuang-chün, who told his family how to deal with the situation, by filing a report to the effect that he was sick and petitioning for hospital care. It isn't lightly that Chu Kuang-chün makes things easy for defendants, as can be seen from the example of Chang Xxx-xxxx, a Korean overseas Chinese who hails from Chingdao on the mainland and was working in the Korean embassy in Taipei. He was involved in a gunfight and got shot in the leg. It was clear that if he had been sent out for medical attention his leg could have been saved. But Chu Kuang-chün wouldn't allow it. All they did was give him an oral antibiotic, until his injury turned serious enough that there was nothing to do but amputate. But Ch'en Ah-mu, on the other hand, was a man of resources. He asked for medical leave and got Chu Kuang-chün's permission. A few days later, Chu phoned the court and asked it to allow Ch'en out on bail, giving lack of sufficient manpower to post guard [during his stay in the hospital] as the reason. On the phone he also added another reason: since so many people at the institution had died one after the other, to avoid press censure it would be better to let him out. The court consented. So it can be seen how, if you've got enough connections, your life won't be treated as if it were a weed.✕

LIU NOTES *continued from p. 34.*

assigned to a production unit in a rural area. He stayed there for two years before returning to the capital. In Beijing he first worked in a food department, but a teacher who was a former schoolmate wanted to switch jobs with him, so Yang unexpectedly became a teacher.

"Influenced by the harsh realities of the Cultural Revolution, Yang had for some time appreciated the importance of politics. In November 1978, when the movement associated with Democracy Wall was launched, he realized how significant the development was and determined to plunge into it whole-heartedly. Now he had his great cause, and he dedicated everything to it. When Exploration was founded, he became assistant editor, writing under the pen-name Mu Yi. He even asked the college authorities for permission to leave his studies, but the request was turned down. (After his arrest, however, acting in accordance with instructions, they did expel him from both the college and the Youth League.)

"When Wei Jingsheng was arrested, Yang took over the editorship of Exploration, but shortly thereafter we both had to flee the city. We survived each day on one and a half pieces of bread. At night, we slept on the benches in a railway station. It sometimes snowed heavily, and we did not have any warm clothing. We would wake up seven or eight times a night, and eventually became quite ill. Even under such conditions, he was calm." (Translation: JPRS 74764.)

See also above, p. 29, and note 12. For Yang's testimony at trial, see transcript, translated in SPEAHRhead, no. 11, pp. 27 f.

21. The differences among these various types of prisoners has not been fully understood, and this discussion sheds considerable light on the subject. By way of background, the following explanation of the distinction between labor reform and labor reeducation may be helpful.

During the 1950s, the most common setting for serious cases of deviancy was the labor reform camp. These were harsh institutions where labor was given much greater stress than study. Beginning in 1957 the emphasis gradually shifted, and although the labor reform camps like Lotus Flower Temple continued to exist, the labor reeducation camp became more common, and, as here, many of the old labor reform prisons acquired labor education inmates. In theory, though, a labor reeducation camp is like a halfway house; there is a work-study program designed to somewhat reflect normal life, with an extra dose of political indoctrination. But, as in the case of Liu Qing, in practice there is often virtually no difference

between the two.

It probably cannot even serve as a rule of thumb to say that labor reform prisoners are criminals, while labor education inmates are political prisoners. As Liu notes below, a well-connected criminal can be sentenced to only labor reeducation. Furthermore, a criminal or criminal suspect who for some reason the authorities do not want to put on trial can be sentenced to labor reeducation without trial.

22. In the Soviet Union, particularly during the Stalinist era, it was common to place political prisoners under the leadership of hardened criminals. Based on interviews of Hong Kong refugees conducted around 1970, this did not appear to be the case in China. (See Martin King Whyte, "Corrective Labor Camps in China," Asian Survey, March 1973, pp. 253-69.) However, from what Liu says here we must conclude either that conditions have changed, or that the reports of the Hong Kong subjects did not reflect the total situation.

23. On Yu Luo and Zhang Zhixin, see above, note 4.

24. Similar to an indictment. For text, see SPEAHRhead, no. 10, p. 7.

25. See above, note 13.

26. This is an obvious reference to the Cultural Revolution and Mao's instigation thereof. Liu is responding to the fears of some Party people and bureaucrats who see certain parallels between the Cultural Revolution, of which many of them were victims, and the democratic movement. He seeks to assure them that the basic nature and goals of the latter are unrelated to those of the Cultural Revolution.

27. See above, n. 20.

28. Yu Yi is an ethnic Korean from Liaoning. He is only known to have written a single four-verse poem, which appeared in Exploration, no. 3, under the pen name "Chu Tian." This led to his arrest on 20 April 1979. He was held in No. One Prison until November. He is officially considered a "capitalist" because of his family background. See Exploration, no. 4, 9 September 1979, and also Documents on the Chinese Democratic Movement 1978-1980 (Zhongguo minban kanwu huibian), edited by Claude Widor (published jointly by Ecole des Hautes Etudes en Sciences Sociales and The Observer, Hong Kong, 1981), vol. 1, p. 27.

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Freedom of Speech

Hu Ping

The following is the third and concluding portion of the essay "On Freedom of Speech," by Hu Ping of Peking University. The first two installments appeared in SPEAHRhead nos. 12-13. The essay has been translated from the Hong Kong Magazine Qishi niandai (Seventies).

Steps to be Taken

What measures are appropriate to deal with the relationship between modernization and democracy under our country's current economic and cultural conditions? What ways should be devised to guarantee the exercise of the necessary social controls and fully encourage individual initiative? This is really a very complicated problem. It must be noted that an incompetent democracy is in no way better than an enlightened monarchy, and anarchy is almost as bad as fascist dictatorship. A scholar devoted to studying the Yugoslav socialist political and economic systems called the problem of properly handling the relationship between socialism and democracy a major problem in the twentieth century.

Despite this, democracy must be proclaimed. Otherwise, we may relapse and forget all lessons drawn from history. In order to avoid the mistakes committed by our predecessors, we have no alternative but to strengthen democracy effectively. While avoiding hasty actions and nitpicking about everything, we must lay the firm groundwork for democracy in order to ensure the steady growth of democracy and make it move forward. For this reason, the authorities concerned are required to let the people truly enjoy political rights, the first of which is freedom of speech. These are the most elementary rights that the people deserve, and rights that no power can deny. No one will have any reason to deny the people freedom of speech, no matter how obsessed he is with the strict form of discipline and actions of uniformity, and no matter how unwilling he is to give localities or individuals any more freedom of movement than necessary, because freedom of speech does not conflict in any way with any justified form of centralism, programs, discipline and the legal system (even if this justified form is not totally justifiable). At any rate, there is absolutely no clash of interest between freedom of speech and the desire to strengthen law and discipline, just as in the case of the "gang of four"-controlled China, where the policy of suppressing freedom of speech existed along with anarchy in the administrative field.

--Continued on page 32 (centerfold)

Li Ao: NOTES

(These notes are supplied by translator.)

1. Chung Shan North Road is the major thoroughfare traversing the northern section of Taipei, with streets extending from it to the east and west. Hence, "only a few" is to compare the "Chung Shan North Road" of the prison with its Taipei namesake.

2. Penal institutions in Taiwan are generally divided into two categories--detention centers and prisons ("k'anshou suo," "chien-yü"). In Chinese, as in English, "prison" should be considered the more generic term, but, as is clear in the above sentence, Li Ao uses "detention center" ("k'anshou suo") to include both detention centers and prisons. The English press in Taiwan translates "Taipei K'anshou Suo" as "Taipei County Prison," while we prefer "Taipei Detention Center" (being consistent in terms of the categorical distinction made in Chinese). Both "detention centers" and "prisons" come under the administrative control of the Ministry of Justice.

3. Prisoners held at the Taipei Detention Center include those whose cases are yet to be tried.

4. "Main penalty" would be (in an assault and robbery case, for example) a prison sentence of five to ten years, while "auxiliary penalty" might be an additional fine, return of the stolen goods, etc.

5. This play on words borrows from the commonly heard demand by the political opposition for greater "independence of the judiciary," meaning greater separation of powers so that the courts are no longer beholden to powerful political forces.

6. The phrase "the national situation is different" is usually used in defense of martial law and refusal to introduce liberal reforms--in reply to the charge that if democratic rule is possible in America, so too in Taiwan.

7. Clear like vodka and equally strong, kaoliang is a high-proof distilled alcohol made from a type of grain, likewise called "kaoliang," indigenous to Asia.

8. Denial of visiting rights (except as a strictly punitive measure) generally applies to prisoners under investigation prior to indictment.

9. Inasmuch as a pack of New Paradise sells for NT\$8 on the street, this represents a mark-up of 2700%--in U.S. currency, from 21 cents to \$5.85.